

Exhibit 73

Blank Juror Questionnaire

JUROR NO. _____

CAUSE NO. _____

THE STATE OF TEXAS	§	IN THE 15 TH JUDICIAL
VS.	§	DISTRICT COURT OF
ANDRE THOMAS	§	GRAYSON COUNTY, TEXAS

JUROR QUESTIONNAIRE

You are being asked to complete this questionnaire as a time saving device for yourself and for the lawyers and Judge involved. This is not a test of your knowledge of the laws in Texas. The law applicable to this case will be explained to you. Please know that all of your answers will be held in the strictest confidence. No one other than the Judge, lawyers, court reporter and clerk will have access to the information contained herein.

For our system of laws to work, it is imperative that your answers be as accurate and truthful as possible. Please do not accept the assistance or advice of anyone in filling out this questionnaire. This form should reflect only your opinions. Everyone respects your right to any opinion you express. At the end of the questionnaire, you will be asked to swear under oath that those answers are true and correct. If there is insufficient space for you to explain an answer, please use the bottom of page 16 of this form to continue an answer.

Please be honest and candid. The sole purpose of this questionnaire is to give the prosecution and the defense and opportunity to select a fair and impartial jury to try the issues in this case. If this highly important objective of selecting a fair and impartial jury is not achieved, the balance of the proceedings becomes meaningless. Your full cooperation is of vital importance.

 JUDGE JAMES FRY
 15TH DISTRICT COURT
 GRAYSON COUNTY, TEXAS

For Official Use Only:

Excused by agreement of parties: _____
 Excused for cause by Court: _____
 Peremptory Challenge: State _____ Defense _____
 Seated Juror Number: _____

15027

JUROR NUMBER _____

PLEASE PRINT LEGIBLY

PLEASE STATE:

1. Your full name and address:

2. Have you been known by any other name(s)? ____NO ____YES

(List other name(s) used):

3. Present marital status: Single _____
Married () Date: _____
Separated () Date: _____
Divorced () Date: _____
(List Spouse's name): _____

4. Your Social Security Number:

5. Your Texas Drivers License Number:

6. Your Date of Birth: _____ Your age: _____

7. Your employer: _____
Supervisor's Name: _____
Length of Employment: _____
Job Duties: _____
Address: _____
(If retired or unemployed, please give above information concerning your last job)

Spouse's date of birth: _____
Spouse's age: _____
Spouse's employer: _____
Address: _____
Supervisor's Name: _____
Length of employment: _____
Job Duties: _____
(If retired or unemployed, please give above information concerning your last job)

Does your employer pay you while you are on jury duty? YES() NO()

Do you have any difficulty reading or writing? YES() NO ()

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8. Previous employment: _____
 Address: _____
 Supervisor's Name: _____
 Length of employment: _____
 Job Duties: _____
 Reason for leaving: _____

Spouse's previous employment: _____
 Supervisor's Name: _____
 Length of employment: _____
 Job Duties: _____
 Reason for leaving: _____

Other jobs you have held in the past:

9. If you could change your profession, to what would you change it?
10. Have you been responsible for supervising, hiring or firing employees? YES() NO ()

11. Please list the age, gender, and occupation of your children and stepchildren:

12. Have you had any experience, training or education in any of the following?

Please check (X) all the boxes below that apply:

- | | | | |
|------------------------|--------------------------|---------------------|---------------------|
| () Alcohol/Drug abuse | () Child care | () Child advocacy | () Confessions |
| () Criminology | () Family relationships | () Family violence | () Forensics |
| () Grief counseling | () Investigations | () Law | () Law enforcement |
| () Logic | () Medicine | () Mental illness | () Psychiatry |
| () Psychology | () Religion | () Schizophrenia | () Social Work |

13. City and State of previous residence:

Reason for leaving:

14. How long have you been a resident of Grayson County?

15. Are you a registered voter? YES() NO ()

16. Have you, your spouse or partner ever served in the military? YES() NO ()
- a. Who served? _____
- b. What branch of service? _____
- c. When did you/this person serve? _____
- d. What was the highest rank attained? _____
17. Your political affiliation, if any:
- Office held, if any:
18. Do you consider yourself: (CIRCLE ONE) Liberal Moderate Conservative
- Please characterize your voting history: (CIRCLE ONE):
- Never Seldom Often Always
19. What political groups, foundations and action committees are you a member of or supportive of?
- _____
20. Have you ever been opposed to any government action? YES() NO ()
- If YES, please explain: _____
21. Have you ever written a letter to the editor? YES() NO ()
- If YES, please explain: _____
22. Have you ever appeared in front of City Council, Legislature, etc.?
- If YES, please explain: _____
23. Have you appeared before, or served on, a Grand Jury? YES() NO ()
- If YES, please tell us where, when, and for what reason: _____
- _____
24. How many times have you served as a juror in a:
- ()Criminal case ____ Times ()Civil case ____ Times () Never served
- a. What kinds of criminal case(s)? _____
- b. Were you ever the foreperson? YES() NO ()
- c. What was the verdict(s)? _____

25. Have you, any family members or close friends ever worked for any State or Federal government agencies? YES(☐) NO (☐)
If YES, who and what agencies? _____

26. Have you, any family members or close friends ever worked for any Federal, State or local law enforcement agencies [i.e., Denison/Sherman Police Departments, Texas Highway Patrol, Texas Rangers, Sheriff, F.B.I., D.E.A, jail, prison, etc.]? YES(☐) NO (☐)
If YES, who, for what agency(ies) and what was this person's job? _____

27. Have you or anyone you know ever hired, applied for work with or worked for any attorneys or law firms? YES(☐) NO (☐)
If YES, who, what attorneys or firms and what was this person's relationship to the attorney or firm? _____
27. Have you, a relative or close friend had any training in the law? YES(☐) NO (☐)
If YES, please explain: _____
28. Do you, any family members or close friends belong to or associate with any groups which have crime prevention or law enforcement as a goal? YES(☐) NO (☐)
If YES, who, which groups and why did this person choose to join? _____

29. Have you, any family members or close friends ever belonged to, or contributed money or time to, any neighborhood watch, Crime Stoppers, Victims for Victims, or any other victim's rights groups? YES(☐) NO (☐)
If YES, who, which groups and why did this person choose to join or make a contribution? _____

30. Have you, any family members or close friends ever worked for, belonged to, or contributed money or time to any child advocacy groups or any other group whose purposes include protecting, teaching or assisting children (i.e., YMCA, Sunday school, scouting, Child Protective Services, etc.)? YES(☐) NO (☐)
If YES, who, which groups and why did this person choose to work for, join or make a contribution? _____

31. Do you know any judges, prosecuting attorneys or criminal defense attorneys? YES(☐) NO (☐)
If YES, whom do you know and what is your relationship with this person? _____

32. Do you know any local, county or state law enforcement officers? YES() NO ()
If YES, who do you know and what is your relationship with this person?

33. Have you, any family members or close friends ever been the victim of any crime?
YES() NO ()
If YES, who, where, when and what type of crime? _____

34. If you or anyone you know have ever been a victim of crime, was anyone charged with the crime? YES() NO ()
If YES, was this person prosecuted in court and what was the result?

35. Other than a traffic ticket, have you or a family member ever been accused of, investigated, indicted, tried, or convicted of any crime? YES() NO ()
If YES, please explain the circumstances? _____

36. Have you, any family members or friends ever been a witness in a criminal case?
YES() NO ()
If YES, who and what was the nature of the case? _____

37. Other than on television, have you ever witnessed any violence? YES() NO ()
If YES, please explain: _____

38. WITHOUT MENTIONING ANY NAMES, do you know anyone who has caused harm to a child or been accused of harming a child? YES() NO ()
YES, please tell us what happened and your feelings about this person: _____

39. Have you or any family members or close friends ever experienced the sudden or tragic loss of a child or other loved one? YES() NO ()
If YES, please tell us who and what happened: _____

40. Name two men who are publicly known and whom you admire or respect:

1. _____ 2. _____

Please explain why:

1.

2.

Name two women who are publicly known and whom you admire or respect:

Please explain why:

1.

2.

41. Do you attend religious services: YES() NO ()

If YES, how often do you attend?

Church, Temple, Religious Organization attended:

What activities attended or responsibilities held in any of the above:

Has there been a recent change in religious participation or activities? YES() NO ()

If YES, Why? _____

42. Do you have any health problems which may affect your service as a juror?

YES() NO ()

If YES, briefly state the nature of your health problems: _____

43. Do you require regular or frequent medication, insulin or medical care and attention?

YES() NO ()

If YES, please explain: _____

44. What is the highest grade you completed in school? (CIRCLE ONE)

8 9 10 11 12 College-1 College-2 College-3 College-4
Post Graduate

Name of High School:

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If you attended school after high school, please describe the type of school and your major course of study, including trade and technical school and college courses, including the name of the college:

45. Do you have any projects in progress at your job which would affect your ability to concentrate if you were to serve as a juror on this case for two (2) to three (3) weeks beginning on or about March 20, 2005? YES(☐) NO (☐)
46. Other than your prior jury service, have you ever been interested in the outcome of any criminal case? YES(☐) NO (☐)
If YES, please state the extent of your involvement. Has your interest been stimulated through the newspapers, television, books, hearsay, or any other manner of communication?

47. Have you ever had a friend who was arrested? YES(☐) NO (☐)
If YES, please describe the time frame and event(s): _____

48. To what clubs, unions, societies, fraternal, or professional associations do you belong and what offices held?
49. To what clubs, unions, societies, fraternal, or professional associations does your spouse belong and what offices held?
50. What are your hobbies, favorite recreations or pastimes?
51. What are your spouse's hobbies, favorite recreations or pastimes?
52. List newspapers and magazines subscribed to or that you buy off the rack:

15034

53. Name the last book you read or, that you are presently reading:
54. What is the last movie you saw?
55. What TV show or shows do you regularly watch?
56. What radio station do you listen to most often?
57. List any bumper stickers or decals that are affixed to your automobile:
58. Have you or any member of your family or close friend ever had a bad experience with law enforcement? YES(☐) NO (☐)
If YES, please explain: _____
59. WITHOUT MENTIONING ANY NAMES, do you know anyone who uses drugs, has a problem with alcohol/drugs or who is addicted to alcohol/drugs? YES(☐) NO (☐)
If YES, please tell us about that person and your feelings or opinions about that person: _____
60. WITHOUT MENTIONING ANY NAMES, do you know anyone who suffers from any type of mental dysfunction or impairment [i.e., schizophrenia, obsessive/compulsive disorders, psychosis, etc.]? YES(☐) NO (☐)
If YES, please tell us about that person and your feelings or opinions about that person: _____
61. What experiences, if any, have you had with psychiatrists, psychologists, or other mental health professionals? _____
62. How do you feel about psychiatrists, psychologists, or other mental health professionals? _____
63. Have you, any member of your family or friend ever worked in any alcohol or drug abuse program or medical facility or at a volunteer agency that counsels or otherwise assists those addicted to alcohol or drugs? YES(☐) NO (☐)
If YES, please describe: _____

64. Have you, or any member of your family, or a close personal friend, ever been associated with, or worked with any program that was dedicated to the rehabilitation of persons convicted of a crime? YES(☐) NO(☐)
65. Do you feel that prison serves the public in rehabilitating inmates? YES(☐) NO(☐)
Why or Why not? _____

66. Do you know, or have you known anyone who has been to the penitentiary?
YES(☐) NO(☐)
If YES, Why? _____

67. Have you ever visited inside a prison, jail, or detention center? YES(☐) NO(☐)
If YES, Why? _____

68. Have you, a relative, or close friend ever worked in a jail or prison? YES(☐) NO(☐)
69. What are your feelings in general about the criminal justice system?
70. What would you change about the system if you could?
71. Do you believe crime is on the INCREASE or DECREASE? (circle one)
72. Do you think there is a crime problem? YES(☐) NO(☐)
If yes, please explain: _____

73. Do you personally believe that the criminal laws of the United States and the State of Texas relating to criminal defendants are too lenient? YES(☐) NO(☐)
74. Do you personally believe that the criminal laws of the United States and the State of Texas relating to criminal defendants are too harsh? YES(☐) NO(☐)
75. Which do you believe is the most important objective in sentencing violent criminal offenders?
(☐) Punishment (☐) Rehabilitation (☐) Deterrence
76. Do you believe the type of victim or status of the victim should effect the punishment in a criminal case? YES(☐) NO(☐)
Why or Why not? _____

77. Have you ever had any contact or involvement with the American Civil Liberties Union?
YES(☐) NO(☐)
If YES, please explain: _____

78. Have you ever had any contact with any organization(s) opposed to the death penalty?
YES(☐) NO(☐)
If YES, please explain: _____

79. Do you have any moral, religious, or personal beliefs that would prevent you from returning a verdict which would result in the execution of a person? YES(☐) NO(☐)
80. What are your feelings about the death penalty? Please explain:
81. What purpose, if any, do you think the death penalty serves in our society?
82. Which of the following statements best represents your feelings about the death penalty:
(Circle)
1. I believe that the death penalty should be imposed in all capital murder cases.
 2. I believe that the death penalty is appropriate in some capital murder cases, and I could return a verdict resulting in death in a proper case.
 3. Although I do not believe that the death penalty should ever be imposed, as long as the law provides for it, I could assess it under the proper set of circumstances.
 4. I believe that the death penalty is appropriate in some capital murder cases, but I could never return a verdict which assessed the death penalty.
 5. I could never, under any circumstances, return a verdict which assessed the death penalty.
83. Do you believe the death penalty in the State of Texas is applied fairly? YES(☐) NO(☐)
Please explain: _____

84. Do you believe the death penalty in the State of Texas is used too often, too seldom or about right?
(☐) Too Often (☐) Too Seldom (☐) About Right
Please explain: _____

85. Have you ever felt differently about the death penalty than you do now? YES(☐) NO (☐)
If YES, please explain what brought about this change and when the change occurred.

86. The law in the State of Texas says that a person convicted of capital murder can receive the death penalty solely because of the facts and circumstances of the crime, even if he has committed no other previous crimes. Do you agree with this law? YES(☐) NO (☐)
Please explain:

87. As a result of having been asked to fill out this questionnaire, have you now formed any opinions about this case? YES(☐) NO (☐)
If YES, please explain:

88. Do you have any religious, moral, or ethical considerations that would prevent you from sitting in judgment of another person? YES(☐) NO (☐)
If YES, please explain:

89. What is your main source of news? (☐)Local newspaper (☐)Other newspapers
(☐)Television (☐)Radio (☐)Family/friends (☐)Internet (☐)Other:

90. The charges in this case are that Andre Thomas caused the death of his wife, Laura Boren Thomas, and two children, [REDACTED] and [REDACTED]. To these charges, Andre Thomas has pleaded, Not Guilty by Reason of Insanity.

Do you know anything about the facts or purported facts of this case, either through the media or other sources? YES(☐) NO (☐)

If YES, please explain:

List sources of this information:

When did you receive this information:

15038

State, as fully as possible, what you have heard, read, seen, or learned about this case from any source.

91. Approximately how many times do you remember reading, hearing or seeing anything about Andre Thomas or the deaths of Laura Boren Thomas, [REDACTED] and [REDACTED]?
- ☐ More than 20 ☐ 10 to 20 ☐ 5 to 10 ☐ Less than 5 ☐ None
92. When is the last time you remember reading, hearing or seeing anything about Andre Thomas or the deaths of Laura Boren Thomas, [REDACTED], and [REDACTED]?
- ☐ Within the past week ☐ Within the past month ☐ Within the past year
☐ More than a year ago ☐ I've never read, heard, or seen anything
93. Of all you have read, heard or seen, what stands out most in your mind about Andre Tomas or the deaths of Laura Boren Thomas, [REDACTED] and [REDACTED]?
- _____
- _____
94. Our law provides that persons are presumed sane. Our law further provides that it is an affirmative defense to the commission of an offense that, at the time of the conduct charged, a defendant, as a result of a severe mental disease or defect, did not know his conduct was wrong. This is generally referred to as the insanity defense. The defense has the burden of proof to prove a defendant insane by a preponderance of the evidence. The State has no burden of proof to prove a person sane. How do you feel about this law?
- _____
- _____
- _____
95. Our law also provides that voluntary intoxication is no defense to a crime. The term intoxication means disturbance of mental or physical capacity resulting from the introduction of any substance into the body. How do you feel about this law?
- _____
- _____
- _____
96. Do you want to be a juror in this case? YES ☐ NO ☐
 Why or why not? _____

15039

97. Do you know the prosecutors, Joe Brown or Kerye Ashmore? YES(☐) NO (☐)
If YES, please explain: _____

98. Do you know the defense lawyers, R. J. Hagood or Bobbie Peterson, or anyone employed by them? YES(☐) NO (☐)
If YES, please explain: _____

99. Did you know the deceased, Laura Boren Thomas, or any of her family? YES(☐) NO (☐)
If YES, please explain: _____

100. Do you know or think you know the Defendant, Andre Thomas, or any of his family? YES(☐) NO (☐)
If YES, please explain: _____

101. Do you know any member of the Grayson County District Attorney's staff? YES(☐) NO (☐)
If YES, please explain: _____

102. If you have any plans to be out of Grayson County, Texas, within the next four (4) months, please state the dates: _____

103. What is your church or spiritual affiliation's position on interracial marriages? _____

104. Do you (☐) Agree or (☐) Disagree with this position? Please tell us why you feel this way: _____

15040

105. The Defendant in this case, Andre Thomas, and his ex-wife, Laura Boren Thomas, are of different racial backgrounds. Which of the following best reflects your feelings or opinions about people of different racial backgrounds marrying and/or having children:

☐ I vigorously oppose people of different racial backgrounds marrying and/or having children and am not afraid to say so.

☐ I oppose people of different racial backgrounds marrying and/or having children, but I try to keep my feelings to myself.

☐ I do not oppose people of different racial backgrounds marrying or being together, but I do oppose them having children.

☐ I think people should be able to marry or be with anyone they wish.

PLEASE TELL US WHY YOU FEEL THIS WAY:

I HAVE NEVER BEEN CONVICTED OF ANY FELONY AS AN ADULT OR JUVENILE. I HAVE NEVER BEEN CONVICTED OF ANY KIND OF THEFT OR SHOPLIFTING (REGARDLESS OF VALUE) AS AN ADULT OR JUVENILE. I AM NOT UNDER INDICTMENT, NOR AM I UNDER ANY LEGAL ACCUSATION FOR ANY GRADE OF THEFT OR ANY FELONY.

106. As applied to you, is the above statement true and correct? YES(☐) NO(☐)

107. Is there anything not mentioned in this questionnaire that you want the Court and the parties to know about you in making a decision as to whether or not you will be selected as a juror in this case? YES(☐) NO(☐)

If YES, please explain:

108. Please review the attached list of names and circle the names you know, or think you might know.

15041

I DECLARE UNDER PENALTY OF PERJURY THAT ALL OF MY ANSWERS IN THIS JUROR QUESTIONNAIRE ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

(Signature) Juror Number _____

Please provide the following numbers:

Home Phone #: _____

Work #: _____

Cellular #: _____

Fax #: _____

Pager #: _____

Work Email: _____

Home Email: _____

15042

Exhibit 74

**Handwritten note from
Bobbie Peterson to John
Niland re race of potential
jurors**

The Law Offices of
Bobbie J. Peterson

.....

John:

There are 4 hispanics on
the panel and 12
african-american.

This is based upon
name and physical
observation by
myself. I have also
~~marked~~ marked the
stakes so you can
see where we are.

Thank you!

Bobbie

FAX
512-477-2153

24392

AT024453

Exhibit 75

Juror Questionnaire of Barbara Armstrong

Jwar #5

JUROR NO. 31

CAUSE NO. _____

THE STATE OF TEXAS	§	IN THE 15 TH JUDICIAL
VS.	§	DISTRICT COURT OF
ANDRE THOMAS	§	GRAYSON COUNTY, TEXAS

JUROR QUESTIONNAIRE

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For our system of laws to work, it is imperative that your answers be as accurate and truthful as possible. Please do not accept the assistance or advice of anyone in filling out this questionnaire. This form should reflect only your opinions. Everyone respects your right to any opinion you express. At the end of the questionnaire, you will be asked to swear under oath that those answers are true and correct. If there is insufficient space for you to explain an answer, please use the bottom of page 16 of this form to continue an answer.

Please be honest and candid. The sole purpose of this questionnaire is to give the prosecution and the defense and opportunity to select a fair and impartial jury to try the issues in this case. If this highly important objective of selecting a fair and impartial jury is not achieved, the balance of the proceedings becomes meaningless. Your full cooperation is of vital importance.

JUDGE JAMES FRY
15TH DISTRICT COURT
GRAYSON COUNTY, TEXAS

For Official Use Only:

Excused by agreement of parties: _____
Excused for cause by Court: _____
Peremptory Challenge: State _____ Defense _____
Seated Juror Number: _____

20591

JUROR NUMBER

31

PLEASE PRINT LEGIBLY

PLEASE STATE:

1. Your full name and address:

2. Have you been known by any other name(s)? NO ☒ YES

(List other name(s) used):

3. Present marital status: Single

Married (☒) Date: 11-15-1974Separated (☐) Date: _____Divorced (☐) Date: _____

(List Spouse's name):

4. Your Social Security Number:

5. Your Texas Drivers License Number:

6. Your Date of Birth: Your age: 507. Your employer: Meadowbrook Care CenterSupervisor's Name: Neal MaysLength of Employment: one yearJob Duties: Community Life CoordinatorAddress: 100 Windsor, Van Alstyne, TX 75495

(If retired or unemployed, please give above information concerning your last job)

Spouse's date of birth:

Spouse's age: 60Spouse's employer: Retired - Union Pacific RailroadAddress: Dallas

Supervisor's Name:

Length of employment: 34 yearsJob Duties: Car Inspector - Mechanic

(If retired or unemployed, please give above information concerning your last job)

Does your employer pay you while you are on jury duty? YES ☒ NO ☐Do you have any difficulty reading or writing? YES ☐ NO ☒

20592

8. Previous employment: Texoma Healthcare Center
 Address: 1000 Idwy 82 East
 Supervisor's Name: Michael Flugstad
 Length of employment: 2 years
 Job Duties: Activity Director Asst.
 Reason for leaving: employment else where

Spouse's previous employment: _____
 Supervisor's Name: _____
 Length of employment: _____
 Job Duties: _____
 Reason for leaving: _____

Other jobs you have held in the past:

Receptionist
Asst store manager
Transportation in healthcare

9. If you could change your profession, to what would you change it?
social worker
10. Have you been responsible for supervising, hiring or firing employees? YES ☐ NO ☒
11. Please list the age, gender and occupation of your children and stepchildren:

[REDACTED]

12. Have you had any experience, training or education in any of the following?

Please check (X) all the boxes below that apply:

() Alcohol/Drug abuse	(X) Child care	() Child advocacy	() Confessions
() Criminology	() Family relationships	() Family violence	() Forensics
() Grief counseling	() Investigations	() Law	() Law enforcement
() Logic	() Medicine	() Mental illness	() Psychiatry
() Psychology	() Religion	() Schizophrenia	() Social Work

13. City and State of previous residence:
Sherman, TX
 Reason for leaving:
Bought house in Lufkin, TX.
14. How long have you been a resident of Grayson County?
50 years
15. Are you a registered voter? YES ☒ NO ☐

20593

16. Have you, your spouse or partner ever served in the military? YES() NO (X)

- a. Who served? _____
- b. What branch of service? _____
- c. When did you/this person serve? _____
- d. What was the highest rank attained? _____

17. Your political affiliation, if any: Republican

Office held, if any: _____

18. Do you consider yourself: (CIRCLE ONE) Liberal Moderate Conservative

Please characterize your voting history: (CIRCLE ONE):

Never Seldom Often Always

19. What political groups, foundations and action committees are you a member of or supportive of?

N/A

20. Have you ever been opposed to any government action? YES() NO (X)

If YES, please explain: _____

21. Have you ever written a letter to the editor? YES() NO (X)

If YES, please explain: _____

22. Have you ever appeared in front of City Council, Legislature, etc.?

If YES, please explain: _____

23. Have you appeared before, or served on, a Grand Jury? YES() NO (X)

If YES, please tell us where, when, and for what reason: _____

24. How many times have you served as a juror in a:

(X) Criminal case 3 Times () Civil case _____ Times () Never served

- a. What kinds of criminal case(s)? DWI - Bank Fraud + Mail Fraud - Pending Phase for Drug Poss.
- b. Were you ever the foreperson? YES() NO (X)
- c. What was the verdict(s)? Guilty for Bank Fraud - DWI settled before verdict
20594 retracted - Drug Poss. was released for probation and fined

25. Have you, any family members or close friends ever worked for any State or Federal government agencies? YES(☒) NO(☐)

If YES, who and what agencies? [REDACTED] - San Antonio
State School

26. Have you, any family members or close friends ever worked for any Federal, State or local law enforcement agencies [i.e., Denison/Sherman Police Departments, Texas Highway Patrol, Texas Rangers, Sheriff, F.B.I., D.E.A., jail, prison, etc.]? YES(☐) NO(☒)

If YES, who, for what agency(ies) and what was this person's job? _____

27. Have you or anyone you know ever hired, applied for work with or worked for any attorneys or law firms? YES(☐) NO(☒)

If YES, who, what attorneys or firms and what was this person's relationship to the attorney or firm? _____

27. Have you, a relative or close friend had any training in the law? YES(☒) NO(☐)

If YES, please explain: [REDACTED] under Sherman Police Dept.

28. Do you, any family members or close friends belong to or associate with any groups which have crime prevention or law enforcement as a goal? YES(☐) NO(☒)

If YES, who, which groups and why did this person choose to join? _____

29. Have you, any family members or close friends ever belonged to, or contributed money or time to, any neighborhood watch, Crime Stoppers, Victims for Victims, or any other victim's rights groups? YES(☐) NO(☒)

If YES, who, which groups and why did this person choose to join or make a contribution? _____

30. Have you, any family members or close friends ever worked for, belonged to, or contributed money or time to any child advocacy groups or any other group whose purposes include protecting, teaching or assisting children (i.e., YMCA, Sunday school, scouting, Child Protective Services, etc.)? YES(☐) NO(☒)

If YES, who, which groups and why did this person choose to work for, join or make a contribution? _____

31. Do you know any judges, prosecuting attorneys or criminal defense attorneys? YES(☐) NO(☒)

If YES, whom do you know and what is your relationship with this person? _____

40. Name two men who are publicly known and whom you admire or respect:

1. Jimmy Carter 2. Judge Vaughn

Please explain why:

1. He is a humanitarian, and does a lot to help people
2. I just think he is a good man - I read his Article every Sunday

Name two women who are publicly known and whom you admire or respect:

Please explain why:

1. Oprah Winfrey - she also is very active about helping people
- 2.

41. Do you attend religious services: YES ☒ NO ☐

If YES, how often do you attend? 2-3 monthly

Church, Temple, Religious Organization attended: Linella First Baptist

What activities attended or responsibilities held in any of the above:

Church

Has there been a recent change in religious participation or activities? YES ☐ NO ☒
If YES, Why? _____

42. Do you have any health problems which may affect your service as a juror?

YES ☐ NO ☒

If YES, briefly state the nature of your health problems: _____

43. Do you require regular or frequent medication, insulin or medical care and attention?

YES ☐ NO ☒

If YES, please explain: _____

44. What is the highest grade you completed in school? (CIRCLE ONE)

8 (9) 10 11 12 College-1 College-2 College-3 College-4
Post Graduate

Name of High School: Sherman - GED
Piner Middle School

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If you attended school after high school, please describe the type of school and your major course of study, including trade and technical school and college courses, including the name of the college:

Activity Directors School - Collin County College

45. Do you have any projects in progress at your job which would affect your ability to concentrate if you were to serve as a juror on this case for two (2) to three (3) weeks beginning on or about March 20, 2005? YES ☐ NO ☒

46. Other than your prior jury service, have you ever been interested in the outcome of any criminal case? YES ☒ NO ☐

If YES, please state the extent of your involvement. Has your interest been stimulated through the newspapers, television, books, hearsay, or any other manner of communication?

William Davis, Scott Peters - T.V. & Newspapers

47. Have you ever had a friend who was arrested? YES ☐ NO ☒

If YES, please describe the time frame and event(s):

48. To what clubs, unions, societies, fraternal, or professional associations do you belong and what offices held? Activity Professional Ass.

49. To what clubs, unions, societies, fraternal, or professional associations does your spouse belong and what offices held? Carman's Union Railroad

50. What are your hobbies, favorite recreations or pastimes?

Walking, Playing with grandchildren, Movies, Travel

51. What are your spouse's hobbies, favorite recreations or pastimes?

Computer, yardwork, Travel, Spending time with grandchildren

52. List newspapers and magazines subscribed to or that you buy off the rack:

8 Sherman Democrat Newspaper

53. Name the last book you read or, that you are presently reading:

The Far Away Idors

54. What is the last movie you saw?

Christmas with the Cranks

55. What TV show or shows do you regularly watch?

Survivor - CSI Monday nights, LGS Vegas
Judging Amy

56. What radio station do you listen to most often?

K-LUV 98.7

57. List any bumper stickers or decals that are affixed to your automobile:

58. Have you or any member of your family or close friend ever had a bad experience with law enforcement? YES ☐ NO ☒

If YES, please explain: _____

59. WITHOUT MENTIONING ANY NAMES, do you know anyone who uses drugs, has a problem with alcohol/drugs or who is addicted to alcohol/drugs? YES ☐ NO ☒

If YES, please tell us about that person and your feelings or opinions about that person: _____

60. WITHOUT MENTIONING ANY NAMES, do you know anyone who suffers from any type of mental dysfunction or impairment [i.e., schizophrenia, obsessive/compulsive disorders, psychosis, etc.]? YES ☐ NO ☒

If YES, please tell us about that person and your feelings or opinions about that person: _____

61. What experiences, if any, have you had with psychiatrists, psychologists, or other mental health professionals?

Stepson Had Counseling with
Psychologists During Troubles He had as teenager

62. How do you feel about psychiatrists, psychologists, or other mental health professionals?

I think they are very helpful

63. Have you, any member of your family or friend ever worked in any alcohol or drug abuse program or medical facility or at a volunteer agency that counsels or otherwise assists those addicted to alcohol or drugs? YES ☐ NO ☒

If YES, please describe: _____

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64. Have you, or any member of your family, or a close personal friend, ever been associated with, or worked with any program that was dedicated to the rehabilitation of persons convicted of a crime? YES ☐ NO ☒

65. Do you feel that prison serves the public in rehabilitating inmates? YES ☒ NO ☐

Why or Why not? I was a volunteer in Prison Ministry and I met a lot of Prisoners who seemed to be sorry for their crimes.

66. Do you know, or have you known anyone who has been to the penitentiary?

YES ☐ NO ☒

If YES, Why? _____

67. Have you ever visited inside a prison, jail, or detention center? YES ☒ NO ☐

If YES, Why? Prison Ministry and Step Son was in Jail until trial was over

68. Have you, a relative, or close friend ever worked in a jail or prison? YES ☐ NO ☒

69. What are your feelings in general about the criminal justice system?

I think for the most part it works. My Step Son was at the wrong place at the wrong time and was not involved in murder, and he was found innocent, I think the Justice System worked for him.

70. What would you change about the system if you could?

I don't know

71. Do you believe crime is on the INCREASE or DECREASE? (circle one)

72. Do you think there is a crime problem? YES ☒ NO ☐

If yes, please explain: I think the drug problem is never going to stop. It is ruining this country. I hate it.

73. Do you personally believe that the criminal laws of the United States and the State of Texas relating to criminal defendants are too lenient? YES ☐ NO ☒

74. Do you personally believe that the criminal laws of the United States and the State of Texas relating to criminal defendants are too harsh? YES ☐ NO ☒

75. Which do you believe is the most important objective in sentencing violent criminal offenders?

☒ Punishment

☐ Rehabilitation

☐ Deterrence

76. Do you believe the type of victim or status of the victim should effect the punishment in a criminal case? YES ☒ NO ☐

Why or Why not? I think Different crimes deserves

20600 different punishments

77. Have you ever had any contact or involvement with the American Civil Liberties Union?

YES ☐ NO ☒

If YES, please explain: _____

78. Have you ever had any contact with any organization(s) opposed to the death penalty?

YES ☐ NO ☒

If YES, please explain: _____

79. Do you have any moral, religious, or personal beliefs that would prevent you from returning a verdict which would result in the execution of a person? YES ☐ NO ☒

80. What are your feelings about the death penalty? Please explain:

I Think we need the death penalty. Some crimes are so violent I just don't think it is fair for the victims families not to have conclusion without the offender receiving death.

81. What purpose, if any, do you think the death penalty serves in our society?

It shows violent criminals they will have to pay for with their lives if they choose to murder.

82. Which of the following statements best represents your feelings about the death penalty: (Circle)

1. I believe that the death penalty should be imposed in all capital murder cases.
- ② I believe that the death penalty is appropriate in some capital murder cases, and I could return a verdict resulting in death in a proper case.
3. Although I do not believe that the death penalty should ever be imposed, as long as the law provides for it, I could assess it under the proper set of circumstances.
4. I believe that the death penalty is appropriate in some capital murder cases, but I could never return a verdict which assessed the death penalty.
5. I could never, under any circumstances, return a verdict which assessed the death penalty.

83. Do you believe the death penalty in the State of Texas is applied fairly? YES ☒ NO ☐

Please explain: _____

84. Do you believe the death penalty in the State of Texas is used too often, too seldom or about right?

☐ Too Often

☐ Too Seldom

☒ About Right

Please explain: I don't think the Death Penalty is abused and I think it is fair.

20601

85. Have you ever felt differently about the death penalty than you do now? YES ☐ NO ☒
If YES, please explain what brought about this change and when the change occurred.

86. The law in the State of Texas says that a person convicted of capital murder can receive the death penalty solely because of the facts and circumstances of the crime, even if he has committed no other previous crimes. Do you agree with this law? YES ☒ NO ☐
Please explain: _____

87. As a result of having been asked to fill out this questionnaire, have you now formed any opinions about this case? YES ☐ NO ☒
If YES, please explain: _____

88. Do you have any religious, moral, or ethical considerations that would prevent you from sitting in judgment of another person? YES ☐ NO ☒
If YES, please explain: _____

89. What is your main source of news? ☒ Local newspaper ☐ Other newspapers
☒ Television ☒ Radio ☐ Family/friends ☐ Internet ☐ Other: _____

90. The charges in this case are that Andre Thomas caused the death of his wife, Laura Boren Thomas, and two children, [REDACTED] and [REDACTED]. To these charges, Andre Thomas has pleaded, Not Guilty by Reason of Insanity.

Do you know anything about the facts or purported facts of this case, either through the media or other sources? YES ☒ NO ☐

If YES, please explain: Just what I have read in Newspaper
or on T.V. That murdered his family because he
was insane.

List sources of this information:

newspaper
channel 12 news

When did you receive this information:

when it happened

20602

State, as fully as possible, what you have heard, read, seen, or learned about this case from any source.

That he came to his wife's home, murdered her and their children, was arrested and pulled out his eye while in jail.

91. Approximately how many times do you remember reading, hearing or seeing anything about Andre Thomas or the deaths of Laura Boren Thomas, [REDACTED] and [REDACTED] [REDACTED]?

☐ More than 20 ☒ 10 to 20 ☐ 5 to 10 ☐ Less than 5 ☐ None

92. When is the last time you remember reading, hearing or seeing anything about Andre Thomas or the deaths of Laura Boren Thomas, [REDACTED] and [REDACTED]

☒ Within the past week ☐ Within the past month ☐ Within the past year
☐ More than a year ago ☐ I've never read, heard, or seen anything

93. Of all you have read, heard or seen, what stands out most in your mind about Andre Thomas or the deaths of Laura Boren Thomas, [REDACTED] and [REDACTED]

That he murdered his children as well as his wife, and that he pulled his eye out in jail

94. Our law provides that persons are presumed sane. Our law further provides that it is an affirmative defense to the commission of an offense that, at the time of the conduct charged, a defendant, as a result of a severe mental disease or defect, did not know his conduct was wrong. This is generally referred to as the insanity defense. The defense has the burden of proof to prove a defendant insane by a preponderance of the evidence. The State has no burden of proof to prove a person sane. How do you feel about this law?

I think it is fair

95. Our law also provides that voluntary intoxication is no defense to a crime. The term intoxication means disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

How do you feel about this law? I think it is fair

96. Do you want to be a juror in this case? YES ☒ NO ☐

Why or why not? I think I would be fair and I would be good at listening to the evidence.

97. Do you know the prosecutors, Joe Brown or Kerye Ashmore? YES(☒) NO(☐)
 If YES, please explain: Just by seeing him on T.V. and
newspapers, and I think he attended school
with my daughter.
98. Do you know the defense lawyers, R. J. Hagood or Bobbie Peterson, or anyone employed by them? YES(☒) NO(☐)
 If YES, please explain: Just by seeing on T.V.
99. Did you know the deceased, Laura Boren Thomas, or any of her family? YES(☐) NO(☒)
 If YES, please explain: _____
100. Do you know or think you know the Defendant, Andre Thomas, or any of his family? YES(☐) NO(☒)
 If YES, please explain: _____
101. Do you know any member of the Grayson County District Attorney's staff? YES(☐) NO(☒)
 If YES, please explain: _____
102. If you have any plans to be out of Grayson County, Texas, within the next four (4) months, please state the dates: _____
103. What is your church or spiritual affiliation's position on interracial marriages? There is not one
104. Do you (☒) Agree or (☐) Disagree with this position? Please tell us why you feel this way: It is not the churches place to have a
position on matters such as this

20604

105. The Defendant in this case, Andre Thomas, and his ex-wife, Laura Boren Thomas, are of different racial backgrounds. Which of the following best reflects your feelings or opinions about people of different racial backgrounds marrying and/or having children:

☐ I vigorously oppose people of different racial backgrounds marrying and/or having children and am not afraid to say so.

☒ I oppose people of different racial backgrounds marrying and/or having children, but I try to keep my feelings to myself.

☐ I do not oppose people of different racial backgrounds marrying or being together, but I do oppose them having children.

☐ I think people should be able to marry or be with anyone they wish.

PLEASE TELL US WHY YOU FEEL THIS WAY:

I think it is harmful for the children involved because they do not have a specific race to belong to

I HAVE NEVER BEEN CONVICTED OF ANY FELONY AS AN ADULT OR JUVENILE. I HAVE NEVER BEEN CONVICTED OF ANY KIND OF THEFT OR SHOPLIFTING (REGARDLESS OF VALUE) AS AN ADULT OR JUVENILE. I AM NOT UNDER INDICTMENT, NOR AM I UNDER ANY LEGAL ACCUSATION FOR ANY GRADE OF THEFT OR ANY FELONY.

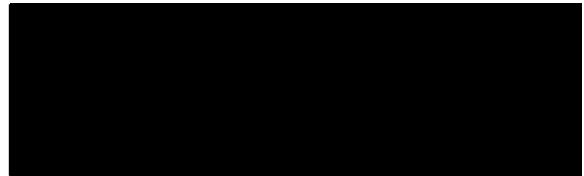
106. As applied to you, is the above statement true and correct? YES ☒ NO ☐

107. Is there anything not mentioned in this questionnaire that you want the Court and the parties to know about you in making a decision as to whether or not you will be selected as a juror in this case? YES ☐ NO ☒


If YES, please explain:

108. Please review the attached list of names and circle the names you know, or think you might know.

20605



Witness List

Alaniz, Foricel
Abbott, Donna
Adams, Clifford
Aleman, Maria
Anderson, Dr. Eli T.
Anderson, Sandra
Arthur, Timothy
Ashly, Stephanie Hughes
Atherton, Larry
Axelrad, Allan David
Ayers, Steve
Backer, Dr.
Baird, Kim
Baird, Rae
Baldwin, Joe
Bannister, Lloyd
Barnard, Dr. Jeffrey
Barnes, Misty
Barrera, Jessica
Bass, Phillip
Batchelor, Mary
Baugh, Karla
Bean, Jermaine
Bell, Dr. Wayne
Bell, Jo
Bell, Larry
Bell, Ricky
Benedict, Faye
Bennett, Christopher
Bennie, Tony
Bentley, Jennifer
Berry, Jamie
Black, Dr. Joe
Blackburn, Doug
Blankenship, Alan
Blankenship, Brad
Booe, Donald
Boren, Paul

Boren, Sherry
Bowen, Dr. William
Bowen, Melvin Cecil
Bowling, Don
Bradshaw, Adam
Branin, Lynn
Braziel, Roger
Brewer, Sandra
Brockman, John
Brodnex, Teresa
Brosche, April Orbison

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Brooks, Kenneth
Brooks, Louise L.
Brown, Tjuana
Burkhart, Mike
Burkins, Waverly
Burlingame, Robert
Burton, Greg
Bush, Wilma Blackshear
Butler, Robert
Byrd, Alan
Caballero, Rose Anna
Camacho, Connie
Campbell, Dawn
Campbell, Don
Campbell, Larry
Campbell, Shari
Cantrell, Steve
Carr, Cindy
Carter, Thomas
Caver, Tom
Caylor, Jerry
Chapman, Glenn
Choi, Dr. Kyungho Scott
Ciesielski, Joan
Clark, Eric
Cleary, Mary
Clements, Paula
Clifton, Amanda
Coates, Walter Duane
Cole, Crystal
Cole, David
Colvin, Ed
Cooley, Brandy Nicole
Cotton, Ellis Renard
Cotton, Mittie Mae
Counts, Cynthia
Cranfill, Barbara
Cranfill, Robert
Curtis, Travis
Dagenais, Sheryl
Damon, Derek
Daniels, Cintina
Daniels, Dawn
Dawsey, Bruce
Dean, Steven
Deater, Frank
Dittfurth, Sandy
Ditto, Mike
Dolinak, Dr. David
Douglas, Bob
Downey, Phillip

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AT020673

Drake, Ronald
Dunn, Terry
Durrett, Joel
Edmonds, Aaron
Ertel, Bonnie
Everett, Alex
Everett, Janece Rene
Feezell, Kristi
Ferguson, Richard
Flynn, Melanie Danielle
Flynn, Nicole Brandy
Frazier, Dr. Richard
Freeman, Brenda
French, Danny
Fulbright, Cynthia
Furst, Ed
Futrell, Anthony
Garbacik, Kevin
Garvin, James
Geredine, Denice
Gibbs, Isaiah
Gibson, Brad
Gipson, Derrick
Gleason, Dr. Ronald
Gobin, Susan
Goldsmith, Liza
Gonzales, Doris
Goodman, Laurel
Gowin, Sammy
Gray, Beverlie
Gray, Dr. Tom
Gray, Roberta Kay
Graybill, Chris
Grisham, Lane
Guedea, Freddy
[REDACTED]
Guzman, Elizabeth
Hagan, Cindy
Hagerty, Sherry
Hall, Patty J.
Hampton, D.M.
Hapiuk, Ryan
Harris, James
Harrison, James
Hartless, Dan
Hartsell, Tommy
Hawley, Charlotte
Hayden, Pat Co-
Hayes, Carmen
[REDACTED]
Henry, Otis

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AT020674

Henson, Walter
[REDACTED]

Hitchcock, Lonni
Hodgkinson, Bennie
Holbert, Charles
Holloway, Byron
Hough, Rodney
Howse, Clyde
Hudgins, Harry II
Hudman, Carl
Hudson, Kevin
Hughes, Bobbie
Hughes, Bryant
Hughes, Jennifer
Humphrey, James
Hungerford, Owen
Ingle, Amy Rose
Inglis, Rick
Jackson, Kenneth
Jaynes, Kimberly
Johnson, Raquel
Jones, Jeff
Jones, Jeremy
Jones, Jeremy
Jones, Marilyn
Jones, Wayne
Kallas, Rachel
Kaufman, James
Kelly, Shawn
[REDACTED]

Kemp, Dr. Walter
Kennedy, Rich
Kennedy, Robert
King, Carla
Kirby, Michelle
Kline, Nikki
Krahl, Grant
Krebs, Sharon
Kyle, Wendy Lynn
Lang, Robert
LaRoche, Sarah
Leal, Paula
Lehrman, Josh.
Leone, Tony
Lirley, Larry
Little, Clyde
Little, John
Losoya, Camila
Loyless, Jennifer
Madden, Adrian
Maddox, Tony

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Manor, Danielle
Martin, Chad
Mathenia, Bobby
Mauldin, Chuck
Mayo, J.B.
McCaleb, Linda
McCarthy, Loava
McClain, Dr. Joni
McCollough, Mike
McDade, Charles
McDonald, Nikki
McFadden, Darlene
McGee, Wash
McGirk, C. Robin
Mcinnis, Halli
McKinley, Bonita
McRee, Mark
Melson, Jack
Menzik, Cynia
Merillat, A.P.
Michael, Kelli
Michael, Kristopher
Middents, Greg
Miller, Donna
Miller, Marc
Miller, Ryan
Miller, Shannon
Mitchell, Heath
Monjaras, Jennifer
Montford, Dr.
Montgomery, Sonia
Monzingo, Mathew
[REDACTED]
Moore, Michelle
Morales, Rebecca
Morales, Rene
[REDACTED]
Mulkey, Chad
Mullins, Chris
Mullins, Lyndee
Murphy, Julie
Musani, Shirley Robinson
Newman, Michelle
Nichols, Brian
Nixon, Daniel
O'Bannon, Brent
Olson, Christopher
Orduna, Erica
Oropeza, Dr. Peter
Orr, Byron
Ortiz, Socorro

O'Toole, Lt. Terry
Overstreet, Donnell
Owen, Raedean
Owens, Rodney
Padilla, Eduardo
Palya, William
Parsons, Lauren
Patterson, Brandon
Patterson, David
Patterson, Floyd
Payne, Chad
Payne, Justin
Pearson, Elaine
Perkins, Stacy
Phea, Dante Dewayne
Pierce, Kam
Pinalto, Gino
Pinchard, Dr. J. Keith
Polk, Mike
Ponder, Clarence
Prince, Brenda K.
Quintane, Connie
Ramsey, Donald
Ramsey, Lisa
Rathfon, Sheila
Rawa, Jeremy
Reid, Myrtle
Richards, Brandon
Richardson, Randy
Riles, Willy
Rios, Dan
Risner, Hal T.
Rivera, Ruby
Robbins, Annette
Robertson, Janice
Robertson, Linda
Robinson, Juanita
Rodgers, Dick
Rodriguez, Jeann
Rodriguez, Roland
Rodriquez, Sylvia
Rogers, Billy
Rollins, Casey
Rolson, Perry
Ross, Danny
Ross, Eric a.k.a Eric Thomas
Ross, Wendy Lynn
Ruckman, Esther
Russell, Chris
Salisbury, Henry
Salzberger, Dr. Lynn

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Sanchez, Jason
Sanchez, JoAna
Scarano, Dr. Victor
Shaw, Gregory Kirk Jr.
Shaw, Melissa
Sherman, Summer
Sims, Natalie
Singletary, Carol
Smith, Anthony Jerome
Smith, Charley
Smith, Christopher
Smith, Danny
Smith, Eric Deshaun
Smith, Kay
Smithers, Kathy
Smithers, Todd
Smithey Royce
Sneed, Joelee
Soliz, Jesus
Soto, Rose
Spotswood, Dr. Sheila
Sreekantham, Rama
St. Cyr, Sherrie
Stephens, Mike
Stephens, Russell
Stephenson, June
Stewart, Sandra
Stidham, William Randy
Streit, Jill
Swabb, Summer
Talcott, John
Taylor, Samuel
Thedford, Peggy
Thomas, Brian
Thomas, Danny
Thomas, James
Thomas, Rochelle
Till, Marie A.
Townsend-Parchman, Dr. J.K.
Triechler, Dr.
Trisler, Wes
Tucker, Dr. Myma
Turner, Amelda
Turner, Dr. Staci
Turner, Kirby
Urban, Dr. Jill
Valentine, Allen
Vaughn, Delinda
Wagner, Heidi
Walker, Jackie Ann
Wallace, Billy

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Ward, Keith
Warrior, Kelley Dannette
Watson, Monica
Watt, Thomas
Wayne Blackwell
Webb, Neil
Webb, Tracey
Weess, Charlie
Wendt, Rusty
Whipple, Ireba
White, Laura
White, Sam
Whitley, Shirley
Wilcott, Dr. R.J.
Williams, Christine
Wilson, Darron
Wilson, Larry
Windland, Cory
Winters, Leigh Ann
Witt, Jerry N.
Womack, Marinda
Wood, Mark
Woods, Debora
Worsham, Tom
Wright, Thurman Jr.
Young, Dr. Christopher
Young, Kim
Young, Michael
[REDACTED]
Zent, Terri

Exhibit 76

Juror Questionnaire of Charles Copeland

Juror #6

JUROR NO. 34

CAUSE NO. _____

THE STATE OF TEXAS	§	IN THE 15 TH JUDICIAL
VS.	§	DISTRICT COURT OF
ANDRE THOMAS	§	GRAYSON COUNTY, TEXAS

JUROR QUESTIONNAIRE

You are being asked to complete this questionnaire as a time saving device for yourself and for the lawyers and Judge involved. This is not a test of your knowledge of the laws in Texas. The law applicable to this case will be explained to you. Please know that all of your answers will be held in the strictest confidence. No one other than the Judge, lawyers, court reporter and clerk will have access to the information contained herein.

For our system of laws to work, it is imperative that your answers be as accurate and truthful as possible. Please do not accept the assistance or advice of anyone in filling out this questionnaire. This form should reflect only your opinions. Everyone respects your right to any opinion you express. At the end of the questionnaire, you will be asked to swear under oath that those answers are true and correct. If there is insufficient space for you to explain an answer, please use the bottom of page 16 of this form to continue an answer.

Please be honest and candid. The sole purpose of this questionnaire is to give the prosecution and the defense and opportunity to select a fair and impartial jury to try the issues in this case. If this highly important objective of selecting a fair and impartial jury is not achieved, the balance of the proceedings becomes meaningless. Your full cooperation is of vital importance.

 JUDGE JAMES FRY
 15TH DISTRICT COURT
 GRAYSON COUNTY, TEXAS

For Official Use Only:

Excused by agreement of parties: _____
 Excused for cause by Court: _____
 Peremptory Challenge: State _____ Defense _____
 Seated Juror Number: _____

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JUROR NUMBER 34

PLEASE PRINT LEGIBLY

PLEASE STATE:

1. Your full name and address:

2. Have you been known by any other name(s)? ☒ NO ☐ YES

(List other name(s) used):

3. Present marital status: Single

Married (☒) Date: _____Separated (☐) Date: _____Divorced (☐) Date: _____

(List Spouse's name): _____

4. Your Social Security Number:

5. Your Texas Drivers License Number:

6. Your Date of Birth: Your age: 637. Your employer: Retired - wife CoastSupervisor's Name: SELFLength of Employment: 6 YRSJob Duties: SUPERVISORAddress: OUT OF BUSINESS

(If retired or unemployed, please give above information concerning your last job)

Spouse's date of birth:

Spouse's age: 61Spouse's employer: McGrawAddress: BethelSupervisor's Name: MARK GARNSLength of employment: 4 YRSJob Duties: SUPERVISOR

(If retired or unemployed, please give above information concerning your last job)

Does your employer pay you while you are on jury duty? YES (☐) NO (☐)Do you have any difficulty reading or writing? YES (☐) NO (☒)

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AT020681

8. Previous employment: Self employed
 Address: _____
 Supervisor's Name: _____
 Length of employment: _____
 Job Duties: _____
 Reason for leaving: to work for wife Const.
- Spouse's previous employment: Housewife
 Supervisor's Name: _____
 Length of employment: _____
 Job Duties: _____
 Reason for leaving: _____

Other jobs you have held in the past:

9. If you could change your profession, to what would you change it?
10. Have you been responsible for supervising, hiring or firing employees? YES ☒ NO ☐
11. Please list the age, gender, and occupation of your children and stepchildren:
- _____

12. Have you had any experience, training or education in any of the following?

Please check (X) all the boxes below that apply:

- | | | | |
|------------------------|--------------------------|---------------------|---------------------|
| () Alcohol/Drug abuse | () Child care | () Child advocacy | () Confessions |
| () Criminology | () Family relationships | () Family violence | () Forensics |
| () Grief counseling | () Investigations | () Law | () Law enforcement |
| () Logic | () Medicine | () Mental illness | () Psychiatry |
| () Psychology | () Religion | () Schizophrenia | () Social Work |

13. City and State of previous residence:

Reason for leaving:

14. How long have you been a resident of Grayson County? 62 years
15. Are you a registered voter? YES ☒ NO ☐

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16. Have you, your spouse or partner ever served in the military? YES (☒) NO (☐)
- a. Who served? [REDACTED]
- b. What branch of service? NAVY
- c. When did you/this person serve? 1960-1964
- d. What was the highest rank attained? AKA
17. Your political affiliation, if any: Republican
- Office held, if any: Pres. Chair
18. Do you consider yourself: (CIRCLE ONE) Liberal Moderate Conservative
- Please characterize your voting history: (CIRCLE ONE):
- Never Seldom Often Always
19. What political groups, foundations and action committees are you a member of or supportive of?
Republican Party of Texas
20. Have you ever been opposed to any government action? YES (☒) NO (☐)
- If YES, please explain: Some decisions made by Congress
21. Have you ever written a letter to the editor? YES (☒) NO (☐)
- If YES, please explain: _____
22. Have you ever appeared in front of City Council, Legislature, etc.?
- If YES, please explain: _____
23. Have you appeared before, or served on, a Grand Jury? YES (☐) NO (☒)
- If YES, please tell us where, when, and for what reason: _____
24. How many times have you served as a juror in a:
- (☒) Criminal case 1 Times (☐) Civil case _____ Times (☐) Never served
- a. What kinds of criminal case(s)? Forensic
- b. Were you ever the foreperson? YES (☒) NO (☐)
- c. What was the verdict(s)? Guilty

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25. Have you, any family members or close friends ever worked for any State or Federal government agencies? YES() NO (✓)
If YES, who and what agencies? _____
26. Have you, any family members or close friends ever worked for any Federal, State or local law enforcement agencies [i.e., Denison/Sherman Police Departments, Texas Highway Patrol, Texas Rangers, Sheriff, F.B.I., D.E.A, jail, prison, etc.]? YES() NO (✓)
If YES, who, for what agency(ies) and what was this person's job? _____
27. Have you or anyone you know ever hired, applied for work with or worked for any attorneys or law firms? YES() NO (✓)
If YES, who, what attorneys or firms and what was this person's relationship to the attorney or firm? _____
27. Have you, a relative or close friend had any training in the law? YES() NO (✓)
If YES, please explain: _____
28. Do you, any family members or close friends belong to or associate with any groups which have crime prevention or law enforcement as a goal? YES(✓) NO ()
If YES, who, which groups and why did this person choose to join? GCSA
29. Have you, any family members or close friends ever belonged to, or contributed money or time to, any neighborhood watch, Crime Stoppers, Victims for Victims, or any other victim's rights groups? YES() NO (✓)
If YES, who, which groups and why did this person choose to join or make a contribution? _____
30. Have you, any family members or close friends ever worked for, belonged to, or contributed money or time to any child advocacy groups or any other group whose purposes include protecting, teaching or assisting children (i.e., YMCA, Sunday school, scouting, Child Protective Services, etc.)? YES(✓) NO ()
If YES, who, which groups, and why did this person choose to work for, join or make a contribution? I work with PRETEEN Boys At my Church
31. Do you know any judges, prosecuting attorneys or criminal defense attorneys? YES(✓) NO ()
If YES, whom do you know and what is your relationship with this person?
I KNOW SEVERAL IN PASS. N.S.

32. Do you know any local, county or state law enforcement officers? YES(☒) NO(☐)
If YES, who do you know and what is your relationship with this person?
RITA GARY FRIEND
33. Have you, any family members or close friends ever been the victim of any crime?
YES(☐) NO(☒)
If YES, who, where, when and what type of crime? _____
34. If you or anyone you know have ever been a victim of crime, was anyone charged with the crime? YES(☐) NO(☒)
If YES, was this person prosecuted in court and what was the result?

35. Other than a traffic ticket, have you or a family member ever been accused of, investigated, indicted, tried, or convicted of any crime? YES(☐) NO(☒)
If YES, please explain the circumstances? _____
36. Have you, any family members or friends ever been a witness in a criminal case?
YES(☐) NO(☒)
If YES, who and what was the nature of the case? _____
37. Other than on television, have you ever witnessed any violence? YES(☐) NO(☒)
If YES, please explain: _____
38. WITHOUT MENTIONING ANY NAMES, do you know anyone who has caused harm to a child or been accused of harming a child? YES(☐) NO(☒)
YES, please tell us what happened and your feelings about this person: _____
39. Have you or any family members or close friends ever experienced the sudden or tragic loss of a child or other loved one? YES(☒) NO(☐)
If YES, please tell us who and what happened: Stephan [REDACTED]
DAVE WICKER

20620

40. Name two men who are publicly known and whom you admire or respect:

1. President Bush 2. Keith GARY

Please explain why:

1. Because of his moral stand
2. Because of his honesty & fairness

Name two women who are publicly known and whom you admire or respect:

Please explain why:

1. Louise Blake. She is a Christian & fair to all.
2. Bobbie Peterson. Because she is the best.

41. Do you attend religious services: YES ☒ NO ☐

If YES, how often do you attend? 3 Times a week

Church Temple, Religious Organization attended:

What activities attended or responsibilities held in any of the above:

Assistant Teacher
Practicing Boy Scout Teacher on Wednesdays

Has there been a recent change in religious participation or activities? YES ☐ NO ☒

If YES, Why? _____

42. Do you have any health problems which may affect your service as a juror?

YES ☐ NO ☒

If YES, briefly state the nature of your health problems: _____

43. Do you require regular or frequent medication, insulin or medical care and attention?

YES ☐ NO ☒

If YES, please explain: _____

44. What is the highest grade you completed in school? (CIRCLE ONE)

8 9 10 11 12 College-1 College-2 College-3 College-4
Post Graduate

Name of High School:

White Right, 20621

If you attended school after high school, please describe the type of school and your major course of study, including trade and technical school and college courses, including the name of the college:

45. Do you have any projects in progress at your job which would affect your ability to concentrate if you were to serve as a juror on this case for two (2) to three (3) weeks beginning on or about March 20, 2005? YES ☐ NO ☒

46. Other than your prior jury service, have you ever been interested in the outcome of any criminal case? YES ☐ NO ☐
If YES, please state the extent of your involvement. Has your interest been stimulated through the newspapers, television, books, hearsay, or any other manner of communication?

Passing interest

47. Have you ever had a friend who was arrested? YES ☒ NO ☐
If YES, please describe the time frame and event(s):

48. To what clubs, unions, societies, fraternal, or professional associations do you belong and what offices held?

49. To what clubs, unions, societies, fraternal, or professional associations does your spouse belong and what offices held?

50. What are your hobbies, favorite recreations or pastimes?

Fishing

51. What are your spouse's hobbies, favorite recreations or pastimes?

Cooking

52. List newspapers and magazines subscribed to or that you buy off the rack:

Sherman Paper

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53. Name the last book you read or, that you are presently reading:
Life of Louis L'Amour
54. What is the last movie you saw?
50 First Dates
55. What TV show or shows do you regularly watch?
None
56. What radio station do you listen to most often?
None
57. List any bumper stickers or decals that are affixed to your automobile:
~~None~~ *TEXAS is a GRANDPARENT*
58. Have you or any member of your family or close friend ever had a bad experience with law enforcement? YES() NO(✓)
 If YES, please explain: _____
59. WITHOUT MENTIONING ANY NAMES, do you know anyone who uses drugs, has a problem with alcohol/drugs or who is addicted to alcohol/drugs? YES(✓) NO()
 If YES, please tell us about that person and your feelings or opinions about that person: _____
60. WITHOUT MENTIONING ANY NAMES, do you know anyone who suffers from any type of mental dysfunction or impairment [i.e., schizophrenia, obsessive/compulsive disorders, psychosis, etc.]? YES(✓) NO()
 If YES, please tell us about that person and your feelings or opinions about that person: _____
61. What experiences, if any, have you had with psychiatrists, psychologists, or other mental health professionals? *None*
62. How do you feel about psychiatrists, psychologists, or other mental health professionals?
OK
63. Have you, any member of your family or friend ever worked in any alcohol or drug abuse program or medical facility or at a volunteer agency that counsels or otherwise assists those addicted to alcohol or drugs? YES() NO(✓)
 If YES, please describe: _____

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64. Have you, or any member of your family, or a close personal friend, ever been associated with, or worked with any program that was dedicated to the rehabilitation of persons convicted of a crime? YES ☐ NO ☒

65. Do you feel that prison serves the public in rehabilitating inmates? YES ☒ NO ☐

Why or Why not? It has programs for that

66. Do you know, or have you known anyone who has been to the penitentiary?

YES ☒ NO ☐

If YES, Why? Robbery

67. Have you ever visited inside a prison, jail, or detention center? YES ☒ NO ☐

If YES, Why? On a few

68. Have you, a relative, or close friend ever worked in a jail or prison? YES ☒ NO ☐

69. What are your feelings in general about the criminal justice system?

It works

70. What would you change about the system if you could?

None

71. Do you believe crime is on the INCREASE or DECREASE? (circle one)

72. Do you think there is a crime problem? YES ☐ NO ☒

If yes, please explain: _____

73. Do you personally believe that the criminal laws of the United States and the State of Texas relating to criminal defendants are too lenient? YES ☒ NO ☐

74. Do you personally believe that the criminal laws of the United States and the State of Texas relating to criminal defendants are too harsh? YES ☐ NO ☒

75. Which do you believe is the most important objective in sentencing violent criminal offenders?

☐ Punishment

☒ Rehabilitation

☐ Deterrence

76. Do you believe the type of victim or status of the victim should effect the punishment in a criminal case? YES ☐ NO ☒

Why or Why not? I think we should just look at the
crime not the criminal

20624

77. Have you ever had any contact or involvement with the American Civil Liberties Union?

YES ☐ NO ☒

If YES, please explain: _____

78. Have you ever had any contact with any organization(s) opposed to the death penalty?

YES ☐ NO ☒

If YES, please explain: _____

79. Do you have any moral, religious, or personal beliefs that would prevent you from returning a verdict which would result in the execution of a person? YES ☐ NO ☒

80. What are your feelings about the death penalty? Please explain:

The Death penalty was initiated for a reason
to punish persons who commit murder.

81. What purpose, if any, do you think the death penalty serves in our society?

To deter Crime

82. Which of the following statements best represents your feelings about the death penalty:
(Circle)

1. I believe that the death penalty should be imposed in all capital murder cases.
- ② I believe that the death penalty is appropriate in some capital murder cases, and I could return a verdict resulting in death in a proper case.
3. Although I do not believe that the death penalty should ever be imposed, as long as the law provides for it, I could assess it under the proper set of circumstances.
4. I believe that the death penalty is appropriate in some capital murder cases, but I could never return a verdict which assessed the death penalty.
5. I could never, under any circumstances, return a verdict which assessed the death penalty.

83. Do you believe the death penalty in the State of Texas is applied fairly? YES ☒ NO ☐

Please explain: _____

84. Do you believe the death penalty in the State of Texas is used too often, too seldom or about right?

☐ Too Often ☐ Too Seldom ☒ About Right

Please explain: When the Jury gives the Death
penalty it should be applied out.

20625

85. Have you ever felt differently about the death penalty than you do now? YES() NO (X)
If YES, please explain what brought about this change and when the change occurred.

86. The law in the State of Texas says that a person convicted of capital murder can receive the death penalty solely because of the facts and circumstances of the crime, even if he has committed no other previous crimes. Do you agree with this law? YES(X) NO ()

Please explain: We should all be held accountable
for our transgressions.

87. As a result of having been asked to fill out this questionnaire, have you now formed any opinions about this case? YES() NO (X)

If YES, please explain: _____

88. Do you have any religious, moral, or ethical considerations that would prevent you from sitting in judgment of another person? YES() NO (X)

If YES, please explain: _____

89. What is your main source of news? (X) Local newspaper () Other newspapers
() Television () Radio () Family/friends (X) Internet () Other: _____

90. The charges in this case are that Andre Thomas caused the death of his wife, Laura Boren Thomas, and two children, [REDACTED] and [REDACTED]. To these charges, Andre Thomas has pleaded, Not Guilty by Reason of Insanity.

Do you know anything about the facts or purported facts of this case, either through the media or other sources? YES(X) NO ()

If YES, please explain: Just what the paper first
Reported.

List sources of this information:

When did you receive this information:

97. Do you know the prosecutors, Joe Brown or Kerye Ashmore? YES(☒) NO(☐)
If YES, please explain: Passing
98. Do you know the defense lawyers, R. J. Hagood or Bobbie Peterson, or anyone employed by them? YES(☒) NO(☐)
If YES, please explain: Passing
99. Did you know the deceased, Laura Boren Thomas, or any of her family? YES(☐) NO(☒)
If YES, please explain: _____
100. Do you know or think you know the Defendant, Andre Thomas, or any of his family?
YES(☐) NO(☒)
If YES, please explain: _____
101. Do you know any member of the Grayson County District Attorney's staff?
YES(☐) NO(☒)
If YES, please explain: _____
102. If you have any plans to be out of Grayson County, Texas, within the next four (4) months, please state the dates: _____
103. What is your church or spiritual affiliation's position on interracial marriages? should not be
104. Do you (☒) Agree or (☐) Disagree with this position? Please tell us why you feel this way: I think we should stay with our blood line.

105. The Defendant in this case, Andre Thomas, and his ex-wife, Laura Boren Thomas, are of different racial backgrounds. Which of the following best reflects your feelings or opinions about people of different racial backgrounds marrying and/or having children:

☐ I vigorously oppose people of different racial backgrounds marrying and/or having children and am not afraid to say so.

☒ I oppose people of different racial backgrounds marrying and/or having children, but I try to keep my feelings to myself.

☐ I do not oppose people of different racial backgrounds marrying or being together, but I do oppose them having children.

☐ I think people should be able to marry or be with anyone they wish.

PLEASE TELL US WHY YOU FEEL THIS WAY:

see ans. 104

I HAVE NEVER BEEN CONVICTED OF ANY FELONY AS AN ADULT OR JUVENILE. I HAVE NEVER BEEN CONVICTED OF ANY KIND OF THEFT OR SHOPLIFTING (REGARDLESS OF VALUE) AS AN ADULT OR JUVENILE. I AM NOT UNDER INDICTMENT, NOR AM I UNDER ANY LEGAL ACCUSATION FOR ANY GRADE OF THEFT OR ANY FELONY.

106. As applied to you, is the above statement true and correct? YES ☒ NO ☐


107. Is there anything not mentioned in this questionnaire that you want the Court and the parties to know about you in making a decision as to whether or not you will be selected as a juror in this case? YES ☐ NO ☒

If YES, please explain: _____

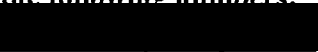
108. Please review the attached list of names and circle the names you know, or think you might know.

20630


I DECLARE UNDER PENALTY OF PERJURY THAT ALL OF MY ANSWERS IN THIS JUROR QUESTIONNAIRE ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.


(Signature) Juror Number 909

Please provide the following numbers:

Home Phone # 

Work #: 

Cellular #: 

Fax #: _____

Pager #: _____

Work Email: _____

Home Email: 

20621

Witness List

Alaniz, Foricel
Abbott, Donna
Adams, Clifford
Aleman, Maria
Anderson, Dr. Eli T.
Anderson, Sandra
Arthur, Timothy
Ashly, Stephanie Hughes
Atherton, Larry
Axelrad, Allan David
Ayers, Steve
Backer, Dr.
Baird, Kim
Baird, Rae
Baldwin, Joe
Bannister, Lloyd
Barnard, Dr. Jeffrey
Barnes, Misty
Barrera, Jessica
Bass, Phillip
Batchelor, Mary
Baugh, Karla
Bean, Jermaine
Bell, Dr. Wayne
Bell, Jo
Bell, Larry
Bell, Ricky
Benedict, Faye
Bennett, Christopher
Bennie, Tony
Bentley, Jennifer
Berry, Jamie
Black, Dr. Joe
Blackburn, Doug
Blankenship, Alan
Blankenship, Brad
Booe, Donald
Boren, Paul
[REDACTED]
Boren, Sherry
Bowen, Dr. William
Bowen, Melvin Cecil
Bowling, Don
Bradshaw, Adam
Branin, Lynn
Braziel, Roger
Brewer, Sandra
Brockman, John
Brodnex, Teresa
Broesche, April Orbison

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AT020695

Brooks, Kenneth
Brooks, Louise L.
Brown, Tjuana
Burkhart, Mike
Burkins, Waverly
Burlingame, Robert
Burton, Greg
Bush, Wilma Blackshear
Butler, Robert
Byrd, Alan
Caballero, Rose Anna
Camacho, Connie
Campbell, Dawn
Campbell, Don
Campbell, Larry
Campbell, Shari
Cantrell, Steve
Carr, Cindy
Carter, Thomas
Caver, Tom
Caylor, Jerry
Choi, Dr. Kyungho Scott
Ciesielski, Joan
Clark, Eric
Cleary, Mary
Clements, Paula
Clifton, Amanda
Coates, Walter Duane
Cole, Crystal
Cole, David
Colvin, Ed
Cooley, Brandy Nicole
Cotton, Ellis Renard
Cotton, Mittie Mae
Counts, Cynthia
Cranfill, Barbara
Cranfill, Robert
Curtis, Travis
Dagenais, Sheryl
Damon, Derek
Daniels, Cintina
Daniels, Dawn
Dawsey, Bruce
Dean, Steven
Deater, Frank
Dittfurth, Sandy
Ditto, Mike
Doljak, Dr. David
Douglas, Bob
Downey, Phillip
Drake, Ronald

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AT020696

Dunn, Terry
Durrett, Joel
Edmonds, Aaron
Ertel, Bonnie
Everett, Alex
Everett, Janece Rene
Feezell, Kristi
Ferguson, Richard
Flynn, Melanie Danielle
Flynn, Nicole Brandy
Frazier, Dr. Richard
Freeman, Brenda
French, Danny
Fulbright, Cynthia
Furst, Ed
Futrell, Anthony
Garbacik, Kevin
Garvin, James
Geredine, Denice
Gibbs, Isaiah
Gibson, Brad
Gipson, Derrick
Gleason, Dr. Ronald
Gobin, Susan
Goldsmith, Liza
Gonzales, Doris
Goodman, Laurel
Gowin, Sammy
Gray, Beverlie
Gray, Dr. Tom
Gray, Roberta Kay
Graybill, Chris
Grisham, Lane
Guedea, Freddy
[REDACTED]
Guzman, Elizabeth
Hagan, Cindy
Hagerty, Sherry
Hall, Patty J.
Hampton, D.M.
Hapiuk, Ryan
Harris, James
Harrison, James
Hartless, Dan
Hartsell, Tommy
Hawley, Charlotte
Hayden, Pat Co-
Hayes, Carmen
Heart, Deenick Laron
Henry, Otis
Henson, Walter

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AT020697

[REDACTED]
Hitchcock, Lonni
Hodgkinson, Bennie
Holbert, Charles
Holloway, Byron
Hough, Rodney
Howse, Clyde
Hudgins, Harry II
Hudman, Carl
Hudson, Kevin
Hughes, Bobbie
Hughes, Bryant
Hughes, Jennifer
Humphrey, James
Hungerford, Owen
Ingle, Amy Rose
Inglis, Rick
Jackson, Kenneth
Jaynes, Kimberly
Johnson, Raquel
Jones, Jeff
Jones, Jeremy
Jones, Jeremy
Jones, Marilyn
Jones, Wayne
Kallas, Rachel
Kaufman, James
Kelly, Shawn

[REDACTED]
Kemp, Dr. Walter
Kennedy, Rich
Kennedy, Robert
King, Carla
Kirby, Michelle
Kline, Nikki
Krahl, Grant
Krebs, Sharon
Kyle, Wendy Lynn
Lang, Robert
LaRoche, Sarah
Leal, Paula
Lehrman, Josh
Leone, Tony
Lirley, Larry
Little, Clyde
Little, John
Losoya, Camila
Loyless, Jennifer
Madden, Adrian
Maddox, Tony
Manor, Danielle

20635

AT020698

Martin, Chad
Mathenia, Bobby
Mauldin, Chuck
Mayo, J.B.
McCaleb, Linda
McCarthy, Loava
McClain, Dr. Joni
McCollough, Mike
McDade, Charles
McDonald, Nikki
McFadden, Darlene
McGee, Wash
McGirk, C. Robin
McInnis, Halli
McKinley, Bonita
McRee, Mark
Melson, Jack
Menzik, Cynia
Merillat, A.P.
Michael, Kelli
Michael, Kristopher
Middents, Greg
Miller, Donna
Miller, Marc
Miller, Ryan
Miller, Shannon
Mitchell, Heath
Monjaras, Jennifer
Montford, Dr.
Montgomery, Sonia
Monzingo, Mathew
[REDACTED]
Moore, Michelle
Morales, Rebecca
Morales, Rene
[REDACTED]
Mulkey, Chad
Mullins, Chris
Mullins, Lyndee
Murphy, Julie
Musani, Shirley Robinson
Newman, Michelle
Nichols, Brian
Nixon, Daniel
O'Bannon, Brent
Olson, Christopher
Orduna, Erica
Oropeza, Dr. Peter
Orr, Byron
Ortiz, Socorro
O'Toole, Lt. Terry

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AT020699

Overstreet, Donnell
Owen, Raedean
Owens, Rodney
Padilla, Eduardo
Palya, William
Parsons, Lauren
Patterson, Brandon
Patterson, David
Patterson, Floyd
Payne, Chad
Payne, Justin
Pearson, Elaine
Perkins, Stacy
Phea, Dante Dewayne
Pierce, Kam
Pinalto, Gino
Pinchard, Dr. J. Keith
Polk, Mike
Ponder, Clarence
Prince, Brenda K.
Quintane, Connie
Ramsey, Donald
Ramsey, Lisa
Rathfon, Sheila
Rawa, Jeremy
Reid, Myrtle
Richards, Brandon
Richardson, Randy
Riles, Willy
Rios, Dan
Risner, Hal T.
Rivera, Ruby
Robbins, Annette
Robertson, Janice
Robertson, Linda
Robinson, Juanita
Rodgers, Dick
Rodriguez, Jeann
Rodriguez, Roland
Rodriquez, Sylvia
Rogers, Billy
Rollins, Casey
Rolson, Perry
Ross, Danny
Ross, Eric a.k.a Eric Thomas
Ross, Wendy Lynn
Ruckman, Esther
Russell, Chris
Salisbury, Henry
Salzberger, Dr. Lynn
Sanchez, Jason

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AT020700

Sanchez, JoAna
Scarano, Dr. Victor
Shaw, Gregory Kirk Jr.
Shaw, Melissa
Sherman, Summer
Sims, Natalie
Singletary, Carol
Smith, Anthony Jerome
Smith, Charley
Smith, Christopher
Smith, Danny
Smith, Eric Deshaun
Smith, Kay
Smithers, Kathy
Smithers, Todd
Smithey Royce
Sneed, Joelee
Soliz, Jesus
Soto, Rose
Spotswood, Dr. Sheila
Sreekantham, Rama
St. Cyr, Sherrie
Stephens, Mike
Stephens, Russell
Stephenson, June
Stewart, Sandra
Stidham, William Randy
Streit, Jill
Swabb, Summer
Talcott, John
Taylor, Samuel
Thedford, Peggy
Thomas, Brian
Thomas, Danny
Thomas, James
Thomas, Rochelle
Till, Marie A.
Townsend-Parchman, Dr. J.K.
Trieckler, Dr.
Trisler, Wes
Tucker, Dr. Myrna
Turner, Amelda
Turner, Dr. Staci
Turner, Kirby
Urban, Dr. Jill
Valentine, Allen
Vaughn, Delinda
Wagner, Heidi
Walker, Jackie Ann
Wallace, Billy
Ward, Keith

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AT020701

Warrior, Kelley Dannette
Watson, Monica
Watt, Thomas
Wayne Blackwell
Webb, Nell
Webb, Tracey
Weess, Charlie
Wendt, Rusty
Whipple, Ireba
White, Laura
White, Sam
Whitley, Shirley
Wilcott, Dr. R.J.
Williams, Christine
Wilson, Darron
Wilson, Larry
Windland, Cory
Winters, Leigh Ann
Witt, Jerry N.
Womack, Marinda
Wood, Mark
Woods, Debora
Worsham, Tom
Wright, Thurman Jr.
Young, Dr. Christopher
Young, Kim
Young, Michael
[REDACTED]
Zent, Terri

20639

AT020702

Chapman, Glenn

20640

AT020703

Exhibit 77

Juror Questionnaire of Marty Ulmer

Juror #4

JUROR NO. 29

CAUSE NO. _____

THE STATE OF TEXAS	§	IN THE 15 TH JUDICIAL
VS.	§	DISTRICT COURT OF
ANDRE THOMAS	§	GRAYSON COUNTY, TEXAS

JUROR QUESTIONNAIRE

You are being asked to complete this questionnaire as a time saving device for yourself and for the lawyers and Judge involved. This is not a test of your knowledge of the laws in Texas. The law applicable to this case will be explained to you. Please know that all of your answers will be held in the strictest confidence. No one other than the Judge, lawyers, court reporter and clerk will have access to the information contained herein.

For our system of laws to work, it is imperative that your answers be as accurate and truthful as possible. Please do not accept the assistance or advice of anyone in filling out this questionnaire. This form should reflect only your opinions. Everyone respects your right to any opinion you express. At the end of the questionnaire, you will be asked to swear under oath that those answers are true and correct. If there is insufficient space for you to explain an answer, please use the bottom of page 16 of this form to continue an answer.

Please be honest and candid. The sole purpose of this questionnaire is to give the prosecution and the defense and opportunity to select a fair and impartial jury to try the issues in this case. If this highly important objective of selecting a fair and impartial jury is not achieved, the balance of the proceedings becomes meaningless. Your full cooperation is of vital importance.

 JUDGE JAMES FRY
 15TH DISTRICT COURT
 GRAYSON COUNTY, TEXAS

For Official Use Only:

Excused by agreement of parties: _____

Excused for cause by Court: _____

Peremptory Challenge: State _____

Seated Juror Number: _____

Defense _____

20566

JUROR NUMBER 29

PLEASE PRINT LEGIBLY

PLEASE STATE:

1. Your full name and address: [REDACTED]
2. Have you been known by any other name(s)? ✓ NO YES
(List other name(s) used): _____
3. Present marital status: Single _____
Married () Date: _____
Separated () Date: _____
Divorced (X) Date: 6-7-2003
(List Spouse's name): _____
4. Your Social Security Number: [REDACTED]
5. Your Texas Drivers License Number: [REDACTED]
6. Your Date of Birth: [REDACTED] Your age: 38
7. Your employer: Eisenhower Yacht Club
Supervisor's Name: FLOYD WALLACE
Length of Employment: 10 Years
Job Duties: Store Manager
Address: 2141 PARK RD 20 Denison TX 75020
(If retired or unemployed, please give above information concerning your last job)

Spouse's date of birth: _____
 Spouse's age: _____
 Spouse's employer: _____
 Address: _____
 Supervisor's Name: _____
 Length of employment: _____
 Job Duties: _____
 (If retired or unemployed, please give above information concerning your last job)

Does your employer pay you while you are on jury duty? YES (X) NO ()Do you have any difficulty reading or writing? YES () NO (X)

20567

2

AT020634

8. Previous employment: Loes Highport
 Address: Pittsboro
 Supervisor's Name: Leon Werschey
 Length of employment: 10 years
 Job Duties: Mechanic
 Reason for leaving: PAY

Spouse's previous employment: _____
 Supervisor's Name: _____
 Length of employment: _____
 Job Duties: _____
 Reason for leaving: _____

Other jobs you have held in the past:

MARINE MECHANIC
FORKLIFT DRIVER

9. If you could change your profession, to what would you change it?
MARINE BIOLOGIST
10. Have you been responsible for supervising, hiring or firing employees? YES ☒ NO ☐
11. Please list the age, gender, and occupation of your children and stepchildren:
16 year old Daughter
12 year old Son

12. Have you had any experience, training or education in any of the following?

Please check (X) all the boxes below that apply:

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Alcohol/Drug abuse | <input type="checkbox"/> Child care | <input type="checkbox"/> Child advocacy | <input type="checkbox"/> Confessions |
| <input type="checkbox"/> Criminology | <input type="checkbox"/> Family relationships | <input type="checkbox"/> Family violence | <input type="checkbox"/> Forensics |
| <input type="checkbox"/> Grief counseling | <input type="checkbox"/> Investigations | <input type="checkbox"/> Law | <input type="checkbox"/> Law enforcement |
| <input type="checkbox"/> Logic | <input type="checkbox"/> Medicine | <input type="checkbox"/> Mental illness | <input type="checkbox"/> Psychiatry |
| <input type="checkbox"/> Psychology | <input type="checkbox"/> Religion | <input type="checkbox"/> Schizophrenia | <input type="checkbox"/> Social Work |

13. City and State of previous residence:

Reason for leaving:

DIVORCE

14. How long have you been a resident of Grayson County?

38 years

15. Are you a registered voter? YES ☒ NO ☐

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16. Have you, your spouse or partner ever served in the military? YES() NO (X)

- a. Who served? _____
- b. What branch of service? _____
- c. When did you/this person serve? _____
- d. What was the highest rank attained? _____

17. Your political affiliation, if any: NONE

Office held, if any:

18. Do you consider yourself: (CIRCLE ONE) Liberal Moderate Conservative

Please characterize your voting history: (CIRCLE ONE):

Never Seldom Often Always

19. What political groups, foundations and action committees are you a member of or supportive of?

NONE

20. Have you ever been opposed to any government action? YES() NO (X)

If YES, please explain: _____

21. Have you ever written a letter to the editor? YES() NO (X)

If YES, please explain: _____

22. Have you ever appeared in front of City Council, Legislature, etc.? NO

If YES, please explain: _____

23. Have you appeared before, or served on, a Grand Jury? YES() NO (X)

If YES, please tell us where, when, and for what reason: _____

24. How many times have you served as a juror in a:

() Criminal case _____ Times (X) Civil case 1 Times () Never served

- a. What kinds of criminal case(s)? _____
- b. Were you ever the foreperson? YES() NO (X)
- c. What was the verdict(s)? GUILTY

25. Have you, any family members or close friends ever worked for any State or Federal government agencies? YES ☐ NO ☒
If YES, who and what agencies? _____
26. Have you, any family members or close friends ever worked for any Federal, State or local law enforcement agencies [i.e., Denison/Sherman Police Departments, Texas Highway Patrol, Texas Rangers, Sheriff, F.B.I., D.E.A, jail, prison, etc.]? YES ☐ NO ☒
If YES, who, for what agency(ies) and what was this person's job? _____
27. Have you or anyone you know ever hired, applied for work with or worked for any attorneys or law firms? YES ☐ NO ☒
If YES, who, what attorneys or firms and what was this person's relationship to the attorney or firm? _____
27. Have you, a relative or close friend had any training in the law? YES ☐ NO ☒
If YES, please explain: _____
28. Do you, any family members or close friends belong to or associate with any groups which have crime prevention or law enforcement as a goal? YES ☐ NO ☒
If YES, who, which groups and why did this person choose to join? _____
29. Have you, any family members or close friends ever belonged to, or contributed money or time to, any neighborhood watch, Crime Stoppers, Victims for Victims, or any other victim's rights groups? YES ☐ NO ☒
If YES, who, which groups and why did this person choose to join or make a contribution? _____
30. Have you, any family members or close friends ever worked for, belonged to, or contributed money or time to any child advocacy groups or any other group whose purposes include protecting, teaching or assisting children (i.e., YMCA, Sunday school, scouting, Child Protective Services, etc.)? YES ☐ NO ☒
If YES, who, which groups and why did this person choose to work for, join or make a contribution? _____
31. Do you know any judges, prosecuting attorneys or criminal defense attorneys? YES ☒ NO ☒
If YES, whom do you know and what is your relationship with this person?
MIKE BURRAGE - CUSTOMER
IKE VANDENKLE - CUSTOMER

32. Do you know any local, county or state law enforcement officers? YES() NO (X)
If YES, who do you know and what is your relationship with this person?

33. Have you, any family members or close friends ever been the victim of any crime?
YES() NO (X)
If YES, who, where, when and what type of crime? _____

34. If you or anyone you know have ever been a victim of crime, was anyone charged with the crime? YES() NO (X)
If YES, was this person prosecuted in court and what was the result?

35. Other than a traffic ticket, have you or a family member ever been accused of, investigated, indicted, tried, or convicted of any crime? YES() NO (X)
If YES, please explain the circumstances? _____

36. Have you, any family members or friends ever been a witness in a criminal case?
YES() NO (X)
If YES, who and what was the nature of the case? _____

37. Other than on television, have you ever witnessed any violence? YES() NO (X)
If YES, please explain: _____

38. WITHOUT MENTIONING ANY NAMES, do you know anyone who has caused harm to a child or been accused of harming a child? YES() NO (X)
YES, please tell us what happened and your feelings about this person: _____

39. Have you or any family members or close friends ever experienced the sudden or tragic loss of a child or other loved one? YES(X) NO ()
If YES, please tell us who and what happened: EX wife works with mother
of the girl and kids mentioned in this case. Only heard
of this and had no dealings with anyone.

40. Name two men who are publicly known and whom you admire or respect:

1. COLIN POWELL 2. Ralph Hall

Please explain why:

1. MAN OF INTEGRITY
2. Seems like a man of his word.

Name two women who are publicly known and whom you admire or respect:

Please explain why:

1. Condoleezza Rice - Integrity
2. Laura Bush - seems like a great lady

41. Do you attend religious services: YES (☒) NO (☐)

If YES, how often do you attend? Seldom

Church, Temple, Religious Organization attended:

Georgetown Baptist

What activities attended or responsibilities held in any of the above:

Has there been a recent change in religious participation or activities? YES (☒) NO (☐)
If YES, Why? Divorce for last 2 years

42. Do you have any health problems which may affect your service as a juror?

YES (☐) NO (☒)

If YES, briefly state the nature of your health problems: _____

43. Do you require regular or frequent medication, insulin or medical care and attention?

YES (☒) NO (☐)

If YES, please explain: blood pressure medicine

44. What is the highest grade you completed in school? (CIRCLE ONE)

8 9 10 11 12 College-1 College-2 College-3 College-4
Post Graduate

Name of High School:

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Pottsville

If you attended school after high school, please describe the type of school and your major course of study, including trade and technical school and college courses, including the name of the college:

Grayson College - Automotive, refrigeration.

45. Do you have any projects in progress at your job which would affect your ability to concentrate if you were to serve as a juror on this case for two (2) to three (3) weeks beginning on or about March 20, 2005? YES ☐ NO ☒

46. Other than your prior jury service, have you ever been interested in the outcome of any criminal case? YES ☒ NO ☐

If YES, please state the extent of your involvement. Has your interest been stimulated through the newspapers, television, books, hearsay, or any other manner of communication?

Television.

47. Have you ever had a friend who was arrested? YES ☐ NO ☒

If YES, please describe the time frame and event(s):

48. To what clubs, unions, societies, fraternal, or professional associations do you belong and what offices held?

NONE

49. To what clubs, unions, societies, fraternal, or professional associations does your spouse belong and what offices held?

NONE

50. What are your hobbies, favorite recreations or pastimes?

TROUT FISHING, RACING, FOOTBALL

51. What are your spouse's hobbies, favorite recreations or pastimes?

DIVORCED

52. List newspapers and magazines subscribed to or that you buy off the rack:

Home repair

Herald Democrat

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53. Name the last book you read or, that you are presently reading:

Left behind series

54. What is the last movie you saw?

OPEN WATER

55. What TV show or shows do you regularly watch?

NYPD Blue

FOOD NETWORK

SEINFELD

56. What radio station do you listen to most often?

RMKT

57. List any bumper stickers or decals that are affixed to your automobile:

NONE

58. Have you or any member of your family or close friend ever had a bad experience with law enforcement? YES() NO (X)

If YES, please explain: _____

59. WITHOUT MENTIONING ANY NAMES, do you know anyone who uses drugs, has a problem with alcohol/drugs or who is addicted to alcohol/drugs? YES() NO (X)

If YES, please tell us about that person and your feelings or opinions about that person: _____

60. WITHOUT MENTIONING ANY NAMES, do you know anyone who suffers from any type of mental dysfunction or impairment [i.e., schizophrenia, obsessive/compulsive disorders, psychosis, etc.]? YES() NO (X)

If YES, please tell us about that person and your feelings or opinions about that person: _____

61. What experiences, if any, have you had with psychiatrists, psychologists, or other mental health professionals? *NONE*

62. How do you feel about psychiatrists, psychologists, or other mental health professionals?

NO feelings about them

63. Have you, any member of your family or friend ever worked in any alcohol or drug abuse program or medical facility or at a volunteer agency that counsels or otherwise assists those addicted to alcohol or drugs? YES() NO (X)

If YES, please describe: _____

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64. Have you, or any member of your family, or a close personal friend, ever been associated with, or worked with any program that was dedicated to the rehabilitation of persons convicted of a crime? YES ☐ NO ☒

65. Do you feel that prison serves the public in rehabilitating inmates? YES ☒ NO ☐

Why or Why not? Depends on the person and goals of life

66. Do you know, or have you known anyone who has been to the penitentiary?

YES ☒ NO ☐

If YES, Why? Robbery

67. Have you ever visited inside a prison, jail, or detention center? YES ☒ NO ☐

If YES, Why? Visiting girl friend's son

68. Have you, a relative, or close friend ever worked in a jail or prison? YES ☐ NO ☒

69. What are your feelings in general about the criminal justice system?

Process is too long and needs to be quickened

70. What would you change about the system if you could?

Eliminate appeals and regulate the lawyers somehow!

71. Do you believe crime is on the INCREASE or DECREASE? (circle one)

72. Do you think there is a crime problem? YES ☒ NO ☐

If yes, please explain: DRUGS & ALCOHOL CONTRIBUTE

73. Do you personally believe that the criminal laws of the United States and the State of Texas relating to criminal defendants are too lenient? YES ☒ NO ☐

74. Do you personally believe that the criminal laws of the United States and the State of Texas relating to criminal defendants are too harsh? YES ☐ NO ☒

75. Which do you believe is the most important objective in sentencing violent criminal offenders?

☒ Punishment

☐ Rehabilitation

☐ Deterrence

76. Do you believe the type of victim or status of the victim should effect the punishment in a criminal case? YES ☒ NO ☐

Why or Why not? EYE FOR AN EYE IF CONVICTED

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77. Have you ever had any contact or involvement with the American Civil Liberties Union?

YES ☐ NO ☒

If YES, please explain: _____

78. Have you ever had any contact with any organization(s) opposed to the death penalty?

YES ☐ NO ☒

If YES, please explain: _____

79. Do you have any moral, religious, or personal beliefs that would prevent you from returning a verdict which would result in the execution of a person? YES ☐ NO ☒

80. What are your feelings about the death penalty? Please explain:

I deserved it is good.

81. What purpose, if any, do you think the death penalty serves in our society?

Deterres criminals

82. Which of the following statements best represents your feelings about the death penalty: (Circle)

1. I believe that the death penalty should be imposed in all capital murder cases.
- ☒ 2. I believe that the death penalty is appropriate in some capital murder cases, and I could return a verdict resulting in death in a proper case.
3. Although I do not believe that the death penalty should ever be imposed, as long as the law provides for it, I could assess it under the proper set of circumstances.
4. I believe that the death penalty is appropriate in some capital murder cases, but I could never return a verdict which assessed the death penalty.
5. I could never, under any circumstances, return a verdict which assessed the death penalty.

83. Do you believe the death penalty in the State of Texas is applied fairly? YES ☒ NO ☐

Please explain: *I do believe in penalties*

84. Do you believe the death penalty in the State of Texas is used too often, too seldom or about right?

☐ Too Often ☒ Too Seldom ☐ About Right

Please explain: *Shorten the process*

85. Have you ever felt differently about the death penalty than you do now? YES ☐ NO ☒
If YES, please explain what brought about this change and when the change occurred.

86. The law in the State of Texas says that a person convicted of capital murder can receive the death penalty solely because of the facts and circumstances of the crime, even if he has committed no other previous crimes. Do you agree with this law? YES ☒ NO ☐

Please explain: You must pay for your actions

87. As a result of having been asked to fill out this questionnaire, have you now formed any opinions about this case? YES ☐ NO ☒

If YES, please explain: _____

88. Do you have any religious, moral, or ethical considerations that would prevent you from sitting in judgment of another person? YES ☐ NO ☒

If YES, please explain: _____

89. What is your main source of news? ☐ Local newspaper ☐ Other newspapers ☒ Television ☐ Radio ☐ Family/friends ☐ Internet ☐ Other: _____

90. The charges in this case are that Andre Thomas caused the death of his wife, Laura Boren Thomas, and two children, [REDACTED] and [REDACTED]. To these charges, Andre Thomas has pleaded, Not Guilty by Reason of Insanity.

Do you know anything about the facts or purported facts of this case, either through the media or other sources? YES ☒ NO ☐

If YES, please explain: Just listening to people talking. I don't read or watch much local news.

List sources of this information:

Ex wife talked about the crime

When did you receive this information:

After it happened

State, as fully as possible, what you have heard, read, seen, or learned about this case from any source.

I heard that he killed them and cut them up. It was supposedly bloody ordeal.

91. Approximately how many times do you remember reading, hearing or seeing anything about Andre Thomas or the deaths of Laura Boren Thomas, [REDACTED] and [REDACTED]?
- ☐ More than 20 ☐ 10 to 20 ☐ 5 to 10 ☒ Less than 5 ☐ None

92. When is the last time you remember reading, hearing or seeing anything about Andre Thomas or the deaths of Laura Boren Thomas, [REDACTED] and [REDACTED]?
- ☐ Within the past week ☐ Within the past month ☒ Within the past year
☐ More than a year ago ☐ I've never read, heard, or seen anything

93. Of all you have read, heard or seen, what stands out most in your mind about Andre Thomas or the deaths of Laura Boren Thomas, [REDACTED] and [REDACTED]?
- That it was bloody and he used a knife.*

94. Our law provides that persons are presumed sane. Our law further provides that it is an affirmative defense to the commission of an offense that, at the time of the conduct charged, a defendant, as a result of a severe mental disease or defect, did not know his conduct was wrong. This is generally referred to as the insanity defense. The defense has the burden of proof to prove a defendant insane by a preponderance of the evidence. The State has no burden of proof to prove a person sane. How do you feel about this law?
- Don't have any feelings toward this*

95. Our law also provides that voluntary intoxication is no defense to a crime. The term intoxication means disturbance of mental or physical capacity resulting from the introduction of any substance into the body. How do you feel about this law?
- I agree*

96. Do you want to be a juror in this case? YES ☒ NO ☐
 Why or why not? *I feel like I have a duty as a citizen.*

105. The Defendant in this case, Andre Thomas, and his ex-wife, Laura Boren Thomas, are of different racial backgrounds. Which of the following best reflects your feelings or opinions about people of different racial backgrounds marrying and/or having children:

☒ I vigorously oppose people of different racial backgrounds marrying and/or having children and am not afraid to say so.

☐ I oppose people of different racial backgrounds marrying and/or having children, but I try to keep my feelings to myself.

☐ I do not oppose people of different racial backgrounds marrying or being together, but I do oppose them having children.

☐ I think people should be able to marry or be with anyone they wish.

PLEASE TELL US WHY YOU FEEL THIS WAY:

I don't believe God intended for this.

I HAVE NEVER BEEN CONVICTED OF ANY FELONY AS AN ADULT OR JUVENILE. I HAVE NEVER BEEN CONVICTED OF ANY KIND OF THEFT OR SHOPLIFTING (REGARDLESS OF VALUE) AS AN ADULT OR JUVENILE. I AM NOT UNDER INDICTMENT, NOR AM I UNDER ANY LEGAL ACCUSATION FOR ANY GRADE OF THEFT OR ANY FELONY.


106. As applied to you, is the above statement true and correct? YES ☒ NO ☐

107. Is there anything not mentioned in this questionnaire that you want the Court and the parties to know about you in making a decision as to whether or not you will be selected as a juror in this case? YES ☐ NO ☒

If YES, please explain:

108. Please review the attached list of names and circle the names you know, or think you might know.

I DECLARE UNDER PENALTY OF PERJURY THAT ALL OF MY ANSWERS IN THIS JUROR QUESTIONNAIRE ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.


(Signature) Juror Number _____

Please provide the following numbers:

Home Phone: 

Work #: _____

Cellular #: _____

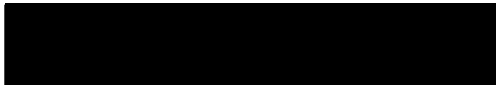
Fax #: _____

Pager #: _____


Work Email: 

Home Email: _____

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Witness List

Alaniz, Foricel
Abbott, Donna
Adams, Clifford
Aleman, Maria
Anderson, Dr. Eli T.
Anderson, Sandra
Arthur, Timothy
Ashly, Stephanie Hughes
Atherton, Larry
Axelrad, Allan David
Ayers, Steve
Backer, Dr.
Baird, Kim
Baird, Rae
Baldwin, Joe
Bannister, Lloyd
Barnard, Dr. Jeffrey
Barnes, Misty
Barrera, Jessica
Bass, Phillip
Batchelor, Mary
Baugh, Karla
Bean, Jermaine
Bell, Dr. Wayne
Bell, Jo
Bell, Larry
Bell, Ricky
Benedict, Faye
Bennett, Christopher
Bennie, Tony
Bentley, Jennifer
Berry, Jamie
Black, Dr. Joe
Blackburn, Doug
Blankenship, Alan
Blankenship, Brad
Booe, Donald
Boren, Paul

Boren, Sherry
Bowen, Dr. William
Bowen, Melvin Cecil
Bowling, Don
Bradshaw, Adam
Branin, Lynn
Braziel, Roger
Brewer, Sandra
Brockman, John
Brodnex, Teresa
Broesche, April Orbison

Brooks, Kenneth
Brooks, Louise L.
Brown, Tjuana
Burkhart, Mike
Burkins, Waverly
Burlingame, Robert
Burton, Greg
Bush, Wilma Blackshear
Butler, Robert
Byrd, Alan
Caballero, Rose Anna
Camacho, Connie
Campbell, Dawn
Campbell, Don
Campbell, Larry
Campbell, Shari
Cantrell, Steve
Carr, Cindy
Carter, Thomas
Caver, Tom
Caylor, Jerry
Choi, Dr. Kyungho Scott
Ciesielski, Joan
Clark, Eric
Cleary, Mary
Clements, Paula
Clifton, Amanda
Coates, Walter Duane
Cole, Crystal
Cole, David
Colvin, Ed
Cooley, Brandy Nicole
Cotton, Ellis Renard
Cotton, Mittie Mae
Counts, Cynthia
Cranfill, Barbara
Cranfill, Robert
Curtis, Travis
Dagenais, Sheryl
Damon, Derek
Daniels, Cintina
Daniels, Dawn
Dawsey, Bruce
Dean, Steven
Deater, Frank
Dittfurth, Sandy
Ditto, Mike
Dolinak, Dr. David
Douglas, Bob
Downey, Phillip
Drake, Ronald

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Dunn, Terry
Durrett, Joel
Edmonds, Aaron
Ertel, Bonnie
Everett, Alex
Everett, Janece Rene
Feezell, Kristi
Ferguson, Richard
Flynn, Melanie Danielle
Flynn, Nicole Brandy
Frazier, Dr. Richard
Freeman, Brenda
French, Danny
Fulbright, Cynthia
Furst, Ed
Futrell, Anthony
Garbacik, Kevin
Garvin, James
Geredine, Denice
Gibbs, Isaiah
Gibson, Brad
Gipson, Derrick
Gleason, Dr. Ronald
Gobin, Susan
Goldsmith, Liza
Gonzales, Doris
Goodman, Laurel
Gowin, Sammy
Gray, Beverlie
Gray, Dr. Tom
Gray, Roberta Kay
Graybill, Chris
Grisham, Lane
Guedea, Freddy
[REDACTED]
Guzman, Elizabeth
Hagan, Cindy
Hagerty, Sherry
Hall, Patty J.
Hampton, D.M.
Hapiuk, Ryan
Harris, James
Harrison, James
Hartless, Dan
Hartsell, Tommy
Hawley, Charlotte
Hayden, Pat Co-
Hayes, Carmen
Heart, Deerick Laron
Henry, Otis
Henson, Walter

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[REDACTED]
Hitchcock, Lonni
Hodgkinson, Bennie
Holbert, Charles
Holloway, Byron
Hough, Rodney
Howse, Clyde
Hudgins, Harry II
Hudman, Carl
Hudson, Kevin
Hughes, Bobbie
Hughes, Bryant
Hughes, Jennifer
Humphrey, James
Hungerford, Owen
Ingle, Amy Rose
Inglis, Rick
Jackson, Kenneth
Jaynes, Kimberly
Johnson, Raquel
Jones, Jeff
Jones, Jeremy
Jones, Jeremy
Jones, Marilyn
Jones, Wayne
Kallas, Rachel
Kaufman, James
Kelly, Shawn

[REDACTED]
Kemp, Dr. Walter
Kennedy, Rich
Kennedy, Robert
King, Carla
Kirby, Michelle
Kline, Nikki
Krahl, Grant
Krebs, Sharon
Kyle, Wendy Lynn
Lang, Robert
LaRoche, Sarah
Leal, Paula
Lehrman, Josh
Leone, Tony
Lirley, Larry
Little, Clyde
Little, John
Losoya, Camila
Loyless, Jennifer
Madden, Adrian
Maddox, Tony
Manor, Danielle

Martin, Chad
Mathenia, Bobby
Mauldin, Chuck
Mayo, J.B.
McCaleb, Linda
McCarthy, Loava
McClain, Dr. Joni
McCollough, Mike
McDade, Charles
McDonald, Nikki
McFadden, Darlene
McGee, Wash
McGirk, C. Robin
McInnis, Halli
McKinley, Bonita
McRee, Mark
Melson, Jack
Menzik, Cynia
Merillat, A.P.
Michael, Kelli
Michael, Kristopher
Middents, Greg
Miller, Donna
Miller, Marc
Miller, Ryan
Miller, Shannon
Mitchell, Heath
Monjaras, Jennifer
Montford, Dr.
Montgomery, Sonia
Monzingo, Mathew
[REDACTED]
Moore, Michelle
Morales, Rebecca
Morales, Rene
[REDACTED]
Mulkey, Chad
Mullins, Chris
Mullins, Lyndee
Murphy, Julie
Musani, Shirley Robinson
Newman, Michelle
Nichols, Brian
Nixon, Daniel
O'Bannon, Brent
Olson, Christopher
Orduna, Erica
Oropeza, Dr. Peter
Orr, Byron
Ortiz, Socorro
O'Toole, Lt. Terry

Overstreet, Donnell

Owen, Raedean

Owens, Rodney

-MIGHT HAVE WENT TO SCHOOL WITH HIM - MAY NOT BE HIM

Padilla, Eduardo

Palya, William

Parsons, Lauren

Patterson, Brandon

Patterson, David

Patterson, Floyd

Payne, Chad

Payne, Justin

Pearson, Elaine

Perkins, Stacy

Phea, Dante Dewayne

Pierce, Kam

Pinalto, Gino

Pinchard, Dr. J. Keith

Polk, Mike

Ponder, Clarence

Prince, Brenda K.

Quintane, Connie

Ramsey, Donald

Ramsey, Lisa

Rathfon, Sheila

Rawa, Jeremy

Reid, Myrtle

Richards, Brandon

Richardson, Randy

Riles, Willy

Rios, Dan

Risner, Hal T.

Rivera, Ruby

Robbins, Annette

Robertson, Janice

Robertson, Linda

Robinson, Juanita

Rodgers, Dick

Rodriguez, Jeann

Rodriguez, Roland

Rodriquez, Sylvia

Rogers, Billy

Rollins, Casey

Rolson, Perry

Ross, Danny

Ross, Eric a.k.a Eric Thomas

Ross, Wendy Lynn

Ruckman, Esther

Russell, Chris

Salisbury, Henry

Salzberger, Dr. Lynn

Sanchez, Jason

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Sanchez, JoAna
Scarano, Dr. Victor
Shaw, Gregory Kirk Jr.
Shaw, Melissa
Sherman, Summer
Sims, Natalie
Singletary, Carol
Smith, Anthony Jerome
Smith, Charley
Smith, Christopher
Smith, Danny
Smith, Eric Deshaun
Smith, Kay
Smithers, Kathy
Smithers, Todd
Smithey Royce
Sneed, Joelee
Soliz, Jesus
Soto, Rose
Spotswood, Dr. Sheila
Srekantham, Rama
St. Cyr, Sherrie
Stephens, Mike
Stephens, Russell
Stephenson, June
Stewart, Sandra
Stidham, William Randy
Streit, Jill
Swabb, Summer
Talcott, John
Taylor, Samuel
Thedford, Peggy
Thomas, Brian
Thomas, Danny
Thomas, James
Thomas, Rochelle
Till, Marie A.
Townsend-Parchman, Dr. J.K.
Trieckler, Dr.
Trisler, Wes
Tucker, Dr. Myrna
Turner, Amelda
Turner, Dr. Staci
Turner, Kirby
Urban, Dr. Jill
Valentine, Allen
Vaughn, Delinda
Wagner, Heidi
Walker, Jackie Ann
Wallace, Billy
Ward, Keith

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Warrior, Kelley Dannette
Watson, Monica
Watt, Thomas
Wayne Blackwell
Webb, Nell
Webb, Tracey
Weess, Charlie
Wendt, Rusty
Whipple, Ireba
White, Laura
White, Sam
Whitley, Shirley
Wilcott, Dr. R.J.
Williams, Christine
Wilson, Darron
Wilson, Larry
Windland, Cory
Winters, Leigh Ann
Witt, Jerry N.
Womack, Marinda
Wood, Mark
Woods, Debora
Worsham, Tom
Wright, Thurman Jr.
Young, Dr. Christopher
Young, Kim
Young, Michael
[REDACTED]
Zent, Terri

Chapman, Glenn

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AT020656

Exhibit 78

Juror Questionnaire of Norma Hintz

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CAUSE NO. _____

JUROR QUESTIONNAIRE

Please be honest and candid. The sole purpose of this questionnaire is to give the prosecution and the defense and opportunity to select a fair and impartial jury to try the issues in this case. If this highly important objective of selecting a fair and impartial jury is not achieved, the balance of the proceedings becomes meaningless. Your full cooperation is of vital importance.

Sept 14 1911

Excused by agreement of parties: _____
 Excused for cause by Court: _____
 Peremptory Challenge: State _____ Defense _____
 Seated Juror Number: _____

1

AT020849

JUROR NUMBER 98

PLEASE PRINT LEGIBLY

PLEASE STATE:

1. Your full name and address: _____
[REDACTED]

2. Have you been known by any other name(s)? ☒ NO ☐ YES

(List other name(s) used): _____

3. Present marital status: Single _____
Married (☒) Date: 4/29/60
Separated (☐) Date: _____
Divorced (☐) Date: _____
(List Spouse's name): [REDACTED]

4. Your Social Security Number: [REDACTED]

5. Your Texas Drivers License Number: [REDACTED]

6. Your Date of Birth: [REDACTED] Your age: 68

7. Your employer: Retired - 2001 FROM HERALD - DEMOCRAT

Supervisor's Name: _____

Length of Employment: 40 yrs.

Job Duties: Graphic Artist - Ad Typesetter

Address: _____

(If retired or unemployed, please give above information concerning your last job)

Spouse's date of birth: [REDACTED]

Spouse's age: 70

Spouse's employer: Retired 2002 FROM LAFIMORE MATERIALS

Address: _____

Supervisor's Name: _____

Length of employment: 15 yrs.

Job Duties: TRUCK DRIVER

(If retired or unemployed, please give above information concerning your last job)

Does your employer pay you while you are on jury duty? YES (☒) NO (☐)

Do you have any difficulty reading or writing? YES (☐) NO (☒)

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8. Previous employment: _____
 Address: _____
 Supervisor's Name: _____
 Length of employment: _____
 Job Duties: _____
 Reason for leaving: _____

Spouse's previous employment: _____
 Supervisor's Name: _____
 Length of employment: _____
 Job Duties: _____
 Reason for leaving: _____

Other jobs you have held in the past:

9. If you could change your profession, to what would you change it?

10. Have you been responsible for supervising, hiring or firing employees? YES() NO (X)

11. Please list the age, gender, and occupation of your children and stepchildren:

[REDACTED]

12. Have you had any experience, training or education in any of the following?

Please check (X) all the boxes below that apply:

() Alcohol/Drug abuse	() Child care	() Child advocacy	() Confessions
() Criminology	() Family relationships	() Family violence	() Forensics
() Grief counseling	() Investigations	() Law	() Law enforcement
() Logic	() Medicine	() Mental illness	() Psychiatry
() Psychology	() Religion	() Schizophrenia	() Social Work

13. City and State of previous residence: *DURANT, OK*

Reason for leaving: *Moved to TEXAS as a child*

14. How long have you been a resident of Grayson County? *60 yrs.*

15. Are you a registered voter? YES(X) NO ()

20787

16. Have you, your spouse or partner ever served in the military? YES() NO (X)

- a. Who served? _____
- b. What branch of service? _____
- c. When did you/this person serve? _____
- d. What was the highest rank attained? _____

17. Your political affiliation, if any:

Office held, if any:

18. Do you consider yourself: (CIRCLE ONE) Liberal Moderate Conservative

Please characterize your voting history: (CIRCLE ONE):

Never Seldom Often Always

19. What political groups, foundations and action committees are you a member of or supportive of? None

20. Have you ever been opposed to any government action? YES() NO (X)

If YES, please explain: _____

21. Have you ever written a letter to the editor? YES() NO (X)

If YES, please explain: _____

22. Have you ever appeared in front of City Council, Legislature, etc.? no

If YES, please explain: _____

23. Have you appeared before, or served on, a Grand Jury? YES() NO (X)

If YES, please tell us where, when, and for what reason: _____

24. How many times have you served as a juror in a:

(1) Criminal case ____ Times (1) Civil case ____ Times () Never served

- a. What kinds of criminal case(s)? Sexual abuse of a child
- b. Were you ever the foreperson? YES() NO (X)
- c. What was the verdict(s)? Plea bargain

20788

25. Have you, any family members or close friends ever worked for any State or Federal government agencies? YES(☐) NO(☒)
If YES, who and what agencies? _____
26. Have you, any family members or close friends ever worked for any Federal, State or local law enforcement agencies [i.e., Denison/Sherman Police Departments, Texas Highway Patrol, Texas Rangers, Sheriff, F.B.I., D.E.A, jail, prison, etc.]? YES(☒) NO(☐)
If YES, who, for what agency(ies) and what was this person's job? *I have a nephew who is a Denison policeman and 2 nephews who are Dallas policemen.*
27. Have you or anyone you know ever hired, applied for work with or worked for any attorneys or law firms? YES(☐) NO(☒)
If YES, who, what attorneys or firms and what was this person's relationship to the attorney or firm? _____
27. Have you, a relative or close friend had any training in the law? YES(☐) NO(☒)
If YES, please explain: _____
28. Do you, any family members or close friends belong to or associate with any groups which have crime prevention or law enforcement as a goal? YES(☐) NO(☒)
If YES, who, which groups and why did this person choose to join? _____
29. Have you, any family members or close friends ever belonged to, or contributed money or time to, any neighborhood watch, Crime Stoppers, Victims for Victims, or any other victim's rights groups? YES(☐) NO(☒)
If YES, who, which groups and why did this person choose to join or make a contribution? _____
30. Have you, any family members or close friends ever worked for, belonged to, or contributed money or time to any child advocacy groups or any other group whose purposes include protecting, teaching or assisting children (i.e., YMCA, Sunday school, scouting, Child Protective Services, etc.)? YES(☒) NO(☐)
If YES, who, which groups and why did this person choose to work for, join or make a contribution? *I have contributed by donation to CPS fund drives and other neighborhood drives.*
31. Do you know any judges, prosecuting attorneys or criminal defense attorneys? YES(☐) NO(☒)
If YES, whom do you know and what is your relationship with this person? _____

20789

32. Do you know any local, county or state law enforcement officers? YES(☒) NO(☐)
 If YES, who do you know and what is your relationship with this person?
 [REDACTED] nephew, Kewan police man
 [REDACTED] DPS officer, attends church with me.
33. Have you, any family members or close friends ever been the victim of any crime?
 YES(☐) NO(☒)
 If YES, who, where, when and what type of crime? _____
34. If you or anyone you know have ever been a victim of crime, was anyone charged with the crime? YES(☐) NO(☒)
 If YES, was this person prosecuted in court and what was the result?

35. Other than a traffic ticket, have you or a family member ever been accused of, investigated, indicted, tried, or convicted of any crime? YES(☐) NO(☒)
 If YES, please explain the circumstances? _____
36. Have you, any family members or friends ever been a witness in a criminal case?
 YES(☐) NO(☒)
 If YES, who and what was the nature of the case? _____
37. Other than on television, have you ever witnessed any violence? YES(☐) NO(☒)
 If YES, please explain: _____
38. WITHOUT MENTIONING ANY NAMES, do you know anyone who has caused harm to a child or been accused of harming a child? YES(☐) NO(☒)
 YES, please tell us what happened and your feelings about this person: _____
39. Have you or any family members or close friends ever experienced the sudden or tragic loss of a child or other loved one? YES(☒) NO(☐)
 If YES, please tell us who and what happened: In 1978 my mother's husband was shot and killed at a Kewan convenience by a head man who has been paroled -

20790

40. Name two men who are publicly known and whom you admire or respect:

1. President Bush 2. Former President Jimmy Carter

Please explain why:

1. He does his job well.
2. He cares for people and does much to help.

Name two women who are publicly known and whom you admire or respect:

Laura Bush

Please explain why:

1. She is a lady -
2. _____

41. Do you attend religious services: YES (☒) NO (☐)

If YES, how often do you attend? Every Sunday

Church, Temple, Religious Organization attended:

What activities attended or responsibilities held in any of the above:

Tutor for young people after school, sing in choir,
scripture reader, women's group -

Has there been a recent change in religious participation or activities? YES (☐) NO (☒)

If YES, Why? _____

42. Do you have any health problems which may affect your service as a juror?

YES (☐) NO (☒)

If YES, briefly state the nature of your health problems: _____

43. Do you require regular or frequent medication, insulin or medical care and attention?

YES (☒) NO (☐)

If YES, please explain: I take Plavix for a heart condition. Have high
blood pressure and osteoarthritis but am not incapacitated.

44. What is the highest grade you completed in school? (CIRCLE ONE)

8 9 10 11 12

College-1

College-2

College-3

College-4

Post Graduate

Name of High School:

Sherman High School

20791

7

AT020855

If you attended school after high school, please describe the type of school and your major course of study, including trade and technical school and college courses, including the name of the college: *1 yr. college with general courses*

45. Do you have any projects in progress at your job which would affect your ability to concentrate if you were to serve as a juror on this case for two (2) to three (3) weeks beginning on or about March 20, 2005? YES ☐ NO ☐

46. Other than your prior jury service, have you ever been interested in the outcome of any criminal case? YES ☒ NO ☐

If YES, please state the extent of your involvement. Has your interest been stimulated through the newspapers, television, books, hearsay, or any other manner of communication?

I am a faithful newspaper reader having worked in the business most of my adult life.

47. Have you ever had a friend who was arrested? YES ☐ NO ☒

If YES, please describe the time frame and event(s):

48. To what clubs, unions, societies, fraternal, or professional associations do you belong and what offices held?

none

49. To what clubs, unions, societies, fraternal, or professional associations does your spouse belong and what offices held?

none

50. What are your hobbies, favorite recreations or pastimes?

I read, play cards, walk, go to casinos

51. What are your spouse's hobbies, favorite recreations or pastimes?

Gardening, playing cards, exercise, go to casinos

52. List newspapers and magazines subscribed to or that you buy off the rack:

Herald Democrat, TV Guide, People, Reader's Digest, Good Housekeeping, Ladies Home Journal, Family Circle - Lutheran Witness

53. Name the last book you read or, that you are presently reading:
Whiteout by Ken Follett
54. What is the last movie you saw?
Princess Diaries 2
55. What TV show or shows do you regularly watch?
News, Las Vegas, ER, Young and the Restless, Judging Amy -
56. What radio station do you listen to most often? *Katy Country*
57. List any bumper stickers or decals that are affixed to your automobile:
Support our Troop, God Bless the USA
58. Have you or any member of your family or close friend ever had a bad experience with law enforcement? YES() NO (X)
If YES, please explain: _____
59. WITHOUT MENTIONING ANY NAMES, do you know anyone who uses drugs, has a problem with alcohol/drugs or who is addicted to alcohol/drugs? YES() NO (X)
If YES, please tell us about that person and your feelings or opinions about that person: _____
60. WITHOUT MENTIONING ANY NAMES, do you know anyone who suffers from any type of mental dysfunction or impairment [i.e., schizophrenia, obsessive/compulsive disorders, psychosis, etc.]? YES() NO (X)
If YES, please tell us about that person and your feelings or opinions about that person: _____
61. What experiences, if any, have you had with psychiatrists, psychologists, or other mental health professionals? *None*
62. How do you feel about psychiatrists, psychologists, or other mental health professionals?
Sometimes there is a need for their services.
63. Have you, any member of your family or friend ever worked in any alcohol or drug abuse program or medical facility or at a volunteer agency that counsels or otherwise assists those addicted to alcohol or drugs? YES() NO (X)
If YES, please describe: _____

64. Have you, or any member of your family, or a close personal friend, ever been associated with, or worked with any program that was dedicated to the rehabilitation of persons convicted of a crime? YES ☐ NO ☒

65. Do you feel that prison serves the public in rehabilitating inmates? YES ☒ NO ☐

Why or Why not? I feel it is necessary to punish a person for crimes

66. Do you know, or have you known anyone who has been to the penitentiary? YES ☐ NO ☒

If YES, Why? _____

67. Have you ever visited inside a prison, jail, or detention center? YES ☐ NO ☒
If YES, Why? _____

68. Have you, a relative, or close friend ever worked in a jail or prison? YES ☐ NO ☒

69. What are your feelings in general about the criminal justice system?

It is necessary but like all systems, there is room for improvement.

70. What would you change about the system if you could?

Speed up the process

71. Do you believe crime is on the INCREASE or DECREASE? (circle one)

72. Do you think there is a crime problem? YES ☒ NO ☐

If yes, please explain: The availability of drugs and guns has increased the criminal activities

73. Do you personally believe that the criminal laws of the United States and the State of Texas relating to criminal defendants are too lenient? YES ☒ NO ☒

74. Do you personally believe that the criminal laws of the United States and the State of Texas relating to criminal defendants are too harsh? YES ☐ NO ☒

75. Which do you believe is the most important objective in sentencing violent criminal offenders?

☒ Punishment

☐ Rehabilitation

☐ Deterrence

76. Do you believe the type of victim or status of the victim should effect the punishment in a criminal case? YES ☒ NO ☐

Why or Why not? Severe crimes should have stronger punishment. Sometimes people can be turned around from petty crimes.

20794

77. Have you ever had any contact or involvement with the American Civil Liberties Union?
YES ☐ NO ☒

If YES, please explain: _____

78. Have you ever had any contact with any organization(s) opposed to the death penalty?
YES ☐ NO ☒

If YES, please explain: _____

79. Do you have any moral, religious, or personal beliefs that would prevent you from returning a verdict which would result in the execution of a person? YES ☐ NO ☒

80. What are your feelings about the death penalty? Please explain:

I have never been faced with making this decision but feel I could, if testimony proved beyond a doubt that the person is guilty, I could uphold the death penalty.

81. What purpose, if any, do you think the death penalty serves in our society?

I feel it might make criminals think before they act —

82. Which of the following statements best represents your feelings about the death penalty:
(Circle)

1. I believe that the death penalty should be imposed in all capital murder cases.
2. I believe that the death penalty is appropriate in some capital murder cases, and I could return a verdict resulting in death in a proper case.
3. Although I do not believe that the death penalty should ever be imposed, as long as the law provides for it, I could assess it under the proper set of circumstances.
4. I believe that the death penalty is appropriate in some capital murder cases, but I could never return a verdict which assessed the death penalty.
5. I could never, under any circumstances, return a verdict which assessed the death penalty.

83. Do you believe the death penalty in the State of Texas is applied fairly? YES ☐ NO ☒

Please explain: *There are too many criminals on death row —*

84. Do you believe the death penalty in the State of Texas is used too often, too seldom or about right?

☐ Too Often ☒ Too Seldom ☐ About Right

Please explain: *Criminals are allowed too many appeals and trials are stretched out too long.*

20795

85. Have you ever felt differently about the death penalty than you do now? YES ☐ NO ☒
If YES, please explain what brought about this change and when the change occurred.

86. The law in the State of Texas says that a person convicted of capital murder can receive the death penalty solely because of the facts and circumstances of the crime, even if he has committed no other previous crimes. Do you agree with this law? YES ☒ NO ☐

Please explain: *The crime of capital murder is a terrible crime and overshadows any other actions of the criminal.*

87. As a result of having been asked to fill out this questionnaire, have you now formed any opinions about this case? YES ☐ NO ☒

If YES, please explain: _____

88. Do you have any religious, moral, or ethical considerations that would prevent you from sitting in judgment of another person? YES ☐ NO ☒

If YES, please explain: _____

89. What is your main source of news? ☒ Local newspaper ☐ Other newspapers
☒ Television ☐ Radio ☐ Family/friends ☐ Internet ☐ Other: _____

90. The charges in this case are that Andre Thomas caused the death of his wife, Laura Boren Thomas, and two children, [REDACTED] and [REDACTED]. To these charges, Andre Thomas has pleaded, Not Guilty by Reason of Insanity.

Do you know anything about the facts or purported facts of this case, either through the media or other sources? YES ☒ NO ☐

If YES, please explain: *Only what I have read in the newspaper & seen on TV*

List sources of this information:

Herald Democrat, local TV

When did you receive this information:

As it was published

20796

State, as fully as possible, what you have heard, read, seen, or learned about this case from any source.

I saw the TV reports right after the crime, read the newspaper and discussed the crime with friends a couple of times —

91. Approximately how many times do you remember reading, hearing or seeing anything about Andre Thomas or the deaths of Laura Boren Thomas, [REDACTED] and [REDACTED]?

☐ More than 20 ☐ 10 to 20 ☒ 5 to 10 ☐ Less than 5 ☐ None

92. When is the last time you remember reading, hearing or seeing anything about Andre Thomas or the deaths of Laura Boren Thomas, [REDACTED] and [REDACTED]?

☒ Within the past week ☐ Within the past month ☐ Within the past year
☐ More than a year ago ☐ I've never read, heard, or seen anything

93. Of all you have read, heard or seen, what stands out most in your mind about Andre Thomas or the deaths of Laura Boren Thomas, [REDACTED] and [REDACTED]?

The fact that innocent children were murdered.

94. Our law provides that persons are presumed sane. Our law further provides that it is an affirmative defense to the commission of an offense that, at the time of the conduct charged, a defendant, as a result of a severe mental disease or defect, did not know his conduct was wrong. This is generally referred to as the insanity defense. The defense has the burden of proof to prove a defendant insane by a preponderance of the evidence. The State has no burden of proof to prove a person sane. How do you feel about this law?

I really don't know that much about the law and can't give an educated opinion

95. Our law also provides that voluntary intoxication is no defense to a crime. The term intoxication means disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

How do you feel about this law? *People can control drinking and drugging if they really try. It is no excuse*

96. Do you want to be a juror in this case? YES ☐ NO ☒

Why or why not? *I will serve if necessary, but I am afraid the testimony will be very intense.*

20797

97. Do you know the prosecutors, Joe Brown or Kerye Ashmore? YES() NO (X)

If YES, please explain: _____

98. Do you know the defense lawyers, R. J. Hagood or Bobbie Peterson, or anyone employed by them? YES() NO (X)

If YES, please explain: _____

99. Did you know the deceased, Laura Boren Thomas, or any of her family? YES() NO (X)

If YES, please explain: _____

100. Do you know or think you know the Defendant, Andre Thomas, or any of his family? YES() NO (X)

If YES, please explain: _____

101. Do you know any member of the Grayson County District Attorney's staff? YES() NO (X)

If YES, please explain: _____

102. If you have any plans to be out of Grayson County, Texas, with _____, please state the dates: none

103. What is your church or spiritual affiliation? We have no interracial marriages

would not be turned away

104. Do you (X) Agree or () Disagree with this policy? I would be disappointed

into an interracial marriage
and would try to accept it

20798

AT020862

105. The Defendant in this case, Andre Thomas, and his ex-wife, Laura Boren Thomas, are of different racial backgrounds. Which of the following best reflects your feelings or opinions about people of different racial backgrounds marrying and/or having children:

- ☐ I vigorously oppose people of different racial backgrounds marrying and/or having children and am not afraid to say so.
- ☒ I oppose people of different racial backgrounds marrying and/or having children, but I try to keep my feelings to myself.
- ☐ I do not oppose people of different racial backgrounds marrying or being together, but I do oppose them having children.
- ☐ I think people should be able to marry or be with anyone they wish.

PLEASE TELL US WHY YOU FEEL THIS WAY:

As I stated before I try not to judge what other people do. I oppose gay marriage, but a man and a woman have the right to choose.

I HAVE NEVER BEEN CONVICTED OF ANY FELONY AS AN ADULT OR JUVENILE. I HAVE NEVER BEEN CONVICTED OF ANY KIND OF THEFT OR SHOPLIFTING (REGARDLESS OF VALUE) AS AN ADULT OR JUVENILE. I AM NOT UNDER INDICTMENT, NOR AM I UNDER ANY LEGAL ACCUSATION FOR ANY GRADE OF THEFT OR ANY FELONY.

106. As applied to you, is the above statement true and correct? YES ☒ NO ☐


107. Is there anything not mentioned in this questionnaire that you want the Court and the parties to know about you in making a decision as to whether or not you will be selected as a juror in this case? YES ☐ NO ☒

If YES, please explain: _____


108. Please review the attached list of names and circle the names you know, or think you might know.

20799


I DECLARE UNDER PENALTY OF PERJURY THAT ALL OF MY ANSWERS IN THIS JUROR QUESTIONNAIRE ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.


(Signature) Juror Number _____

Please provide the following numbers:

Home Phone #: 

Work #: _____

Cellular #: 

Fax #: _____

Pager #: _____

Work Email: _____

Home Email: 

Witness List

Alaniz, Foricel
Abbott, Donna
Adams, Clifford
Aleman, Maria
Anderson, Dr. Eli T.
Anderson, Sandra
Arthur, Timothy
Ashly, Stephanie Hughes
Atherton, Larry
Axelrad, Allan David
Ayers, Steve
Backer, Dr.
Baird, Kim
Baird, Rae
Baldwin, Joe
Bannister, Lloyd
Barnard, Dr. Jeffrey
Barnes, Misty
Barrera, Jessica
Bass, Phillip
Batchelor, Mary
Baugh, Karla
Bean, Jermaine
Bell, Dr. Wayne
Bell, Jo
Bell, Larry
Bell, Ricky
Benedict, Faye
Bennett, Christopher
Bennie, Tony
Bentley, Jennifer
Berry, Jamie
Black, Dr. Joe
Blackburn, Doug
Blankenship, Alan
Blankenship, Brad
Booe, Donald
Boren, Paul
Boren, Sherry
Bowen, Dr. William
Bowen, Melvin Cecil
Bowling, Don
Bradshaw, Adam
Branin, Lynn
Braziel, Roger
Brewer, Sandra
Brockman, John
Brodnex, Teresa
Broesche, April Orbison

20801

AT020865

Brooks, Kenneth
Brooks, Louise L.
Brown, Tjuana
Burkhart, Mike
Burkins, Waverly
Burlingame, Robert
Burton, Greg
Bush, Wilma Blackshear
Butler, Robert
Byrd, Alan
Caballero, Rose Anna
Camacho, Connie
Campbell, Dawn
Campbell, Don
Campbell, Larry
Campbell, Shari
Cantrell, Steve
Carr, Cindy
Carter, Thomas
Caver, Tom
Caylor, Jerry
Chapman, Glenn
Choi, Dr. Kyungho Scott
Ciesielski, Joan
Clark, Eric
Cleary, Mary
Clements, Paula
Clifton, Amanda
Coates, Walter Duane
Cole, Crystal
Cole, David
Colvin, Ed
Cooley, Brandy Nicole
Cotton, Ellis Renard
Cotton, Mittie Mae
Counts, Cynthia
Cranfill, Barbara
Cranfill, Robert
Curtis, Travis
Dagenais, Sheryl
Damon, Derek
Daniels, Cintina
Daniels, Dawn
Dawsey, Bruce
Dean, Steven
Deater, Frank
Dittfurth, Sandy
Ditto, Mike
Dolinak, Dr. David
Douglas, Bob
Downey, Phillip

20802

AT020866

Drake, Ronald
Dunn, Terry
Durrett, Joel
Edmonds, Aaron
Ertel, Bonnie
Everett, Alex
Everett, Janece Rene
Feezell, Kristi
Ferguson, Richard
Flynn, Melanie Danielle
Flynn, Nicole Brandy
Frazier, Dr. Richard
Freeman, Brenda
French, Danny
Fulbright, Cynthia
Furst, Ed
Futrell, Anthony
Garbacik, Kevin
Garvin, James
Geredine, Denice
Gibbs, Isaiah
Gibson, Brad
Gipson, Derrick
Gleason, Dr. Ronald
Gobin, Susan
Goldsmith, Liza
Gonzales, Doris
Goodman, Laurel
Gowin, Sammy
Gray, Beverlie
Gray, Dr. Tom
Gray, Roberta Kay
Graybill, Chris
Grisham, Lane
Guedea, Freddy
[REDACTED]
Guzman, Elizabeth
Hagan, Cindy
Hagerty, Sherry
Hall, Patty J.
Hampton, D.M.
Hapiuk, Ryan
Harris, James
Harrison, James
Hartless, Dan
Hartsell, Tommy
Hawley, Charlotte
Hayden, Pat Co-
Hayes, Carmen
Heart, Deerick Laron
Henry, Otis

20803

AT020867

Henson, Walter

[REDACTED]

Hitchcock, Lonni

Hodgkinson, Bennie

Holbert, Charles

Holloway, Byron

Hough, Rodney

Howse, Clyde

Hudgins, Harry II

Hudman, Carl

Hudson, Kevin

Hughes, Bobbie

Hughes, Bryant

Hughes, Jennifer

Humphrey, James

Hungerford, Owen

Ingle, Amy Rose

Inglish, Rick

Jackson, Kenneth

Jaynes, Kimberly

Johnson, Raquel

Jones, Jeff

Jones, Jeremy

Jones, Jeremy

Jones, Marilyn

Jones, Wayne

Kallas, Rachel

Kaufman, James

Kelly, Shawn

[REDACTED]

Kemp, Dr. Walter

Kennedy, Rich

Kennedy, Robert

King, Carla

Kirby, Michelle

Kline, Nikki

Krahl, Grant

Krebs, Sharon

Kyle, Wendy Lynn

Lang, Robert

LaRoche, Sarah

Leal, Paula

Lehrman, Josh

Leone, Tony

Lirley, Larry

Little, Clyde

Little, John

Losoya, Camila

Loyless, Jennifer

Madden, Adrian

Maddox, Tony

20804

AT020868

Manor, Danielle
Martin, Chad
Mathenia, Bobby
Mauldin, Chuck
Mayo, J.B.
McCaleb, Linda
McCarthy, Loava
McClain, Dr. Joni
McCollough, Mike
McDade, Charles
McDonald, Nikki
McFadden, Darlene
McGee, Wash
McGirk, C. Robin
McInnis, Halli
McKinley, Bonita
McRee, Mark
Melson, Jack
Menzik, Cynia
Merillat, A.P.
Michael, Kelli
Michael, Kristopher
Middents, Greg
Miller, Donna
Miller, Marc
Miller, Ryan
Miller, Shannon
Mitchell, Heath
Monjaras, Jennifer
Montford, Dr.
Montgomery, Sonia
Monzingo, Mathew
Moore, Chastity Sonya
Moore, Michelle
Morales, Rebecca
Morales, Rene
[REDACTED]
Mulkey, Chad
Mullins, Chris
Mullins, Lyndee
Murphy, Julie
Musani, Shirley Robinson
Newman, Michelle
Nichols, Brian
Nixon, Daniel
O'Bannon, Brent
Olson, Christopher
Orduna, Erica
Oropeza, Dr. Peter
Orr, Byron
Ortiz, Socorro

20805

O'Toole, Lt. Terry
Overstreet, Donnell
Owen, Raedean
Owens, Rodney
Padilla, Eduardo
Palya, William
Parsons, Lauren
Patterson, Brandon
Patterson, David
Patterson, Floyd
Payne, Chad
Payne, Justin
Pearson, Elaine
Perkins, Stacy
Phea, Dante Dewayne
Pierce, Kam
Pinalto, Gino
Pinchard, Dr. J. Keith
Polk, Mike
Ponder, Clarence
Prince, Brenda K.
Quintane, Connie
Ramsey, Donald
Ramsey, Lisa
Rathfon, Sheila
Rawa, Jeremy
Reid, Myrtle
Richards, Brandon
Richardson, Randy
Riles, Willy
Rios, Dan
Risner, Hal T.
Rivera, Ruby
Robbins, Annette
Robertson, Janice
Robertson, Linda
Robinson, Juanita
Rodgers, Dick
Rodriguez, Jeann
Rodriguez, Roland
Rodriquez, Sylvia
Rogers, Billy
Rollins, Casey
Rolson, Perry
Ross, Danny
Ross, Eric a.k.a Eric Thomas
Ross, Wendy Lynn
Ruckman, Esther
Russell, Chris
Salisbury, Henry
Salzberger, Dr. Lynn

0

Sanchez, Jason
Sanchez, JoAna
Scarano, Dr. Victor
Shaw, Gregory Kirk Jr.
Shaw, Melissa
Sherman, Summer
Sims, Natalie
Singletary, Carol
Smith, Anthony Jerome
Smith, Charley
Smith, Christopher
Smith, Danny
Smith, Eric Deshaun
Smith, Kay
Smithers, Kathy
Smithers, Todd
Smithey Royce
Sneed, Joelee
Soliz, Jesus
Soto, Rose
Spotswood, Dr. Sheila
Sreekantham, Rama
St. Cyr, Sherrie
Stephens, Mike
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Swabb, Summer
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Taylor, Samuel
Thedford, Peggy
Thomas, Brian
Thomas, Danny
Thomas, James
Thomas, Rochelle
Till, Marie A.
Townsend-Parchman, Dr. J.K.
Triechler, Dr.
Trisler, Wes
Tucker, Dr. Myrna
Turner, Amelda
Turner, Dr. Staci
Turner, Kirby
Urban, Dr. Jill
Valentine, Allen
Vaughn, Delinda
Wagner, Heidi
Walker, Jackie Ann
Wallace, Billy

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Wayne Blackwell
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White, Sam
Whitley, Shirley
Wilcott, Dr. R.J.
Williams, Christine
Wilson, Darron
Wilson, Larry
Windland, Cory
Winters, Leigh Ann
Witt, Jerry N.
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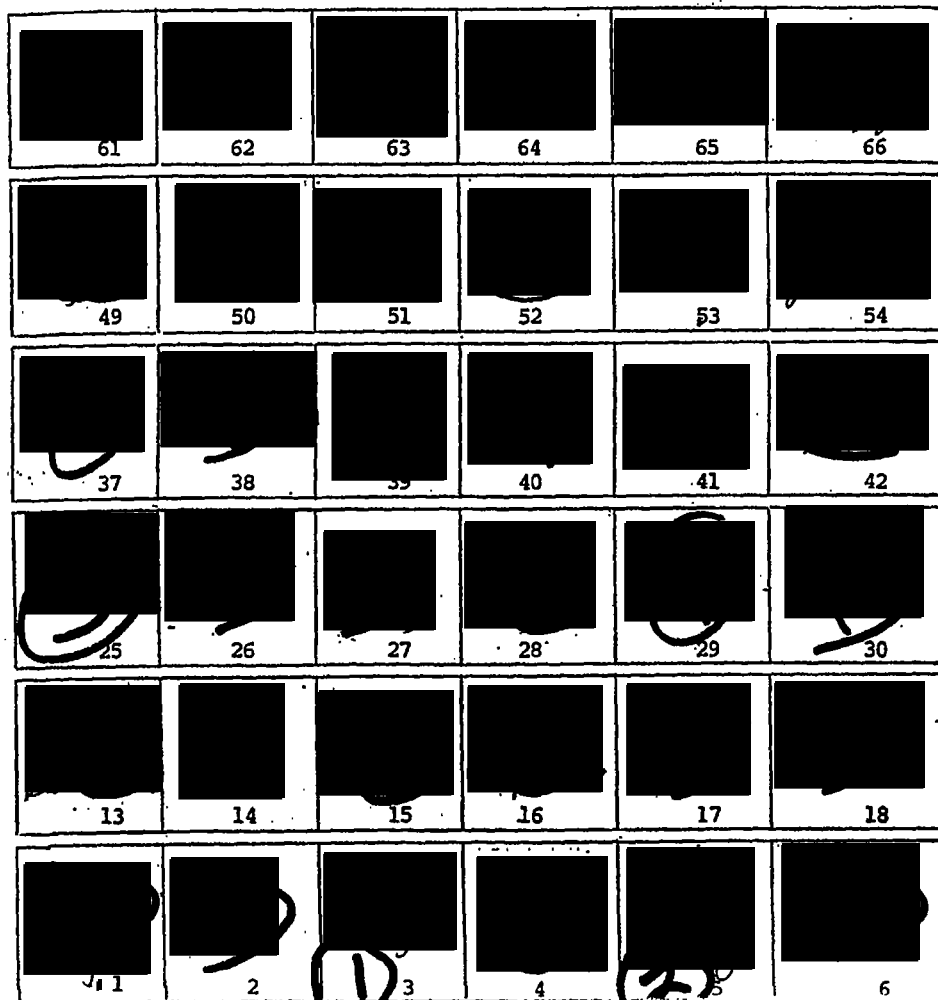
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Exhibit 79

Voir Dire seating chart

1st panel

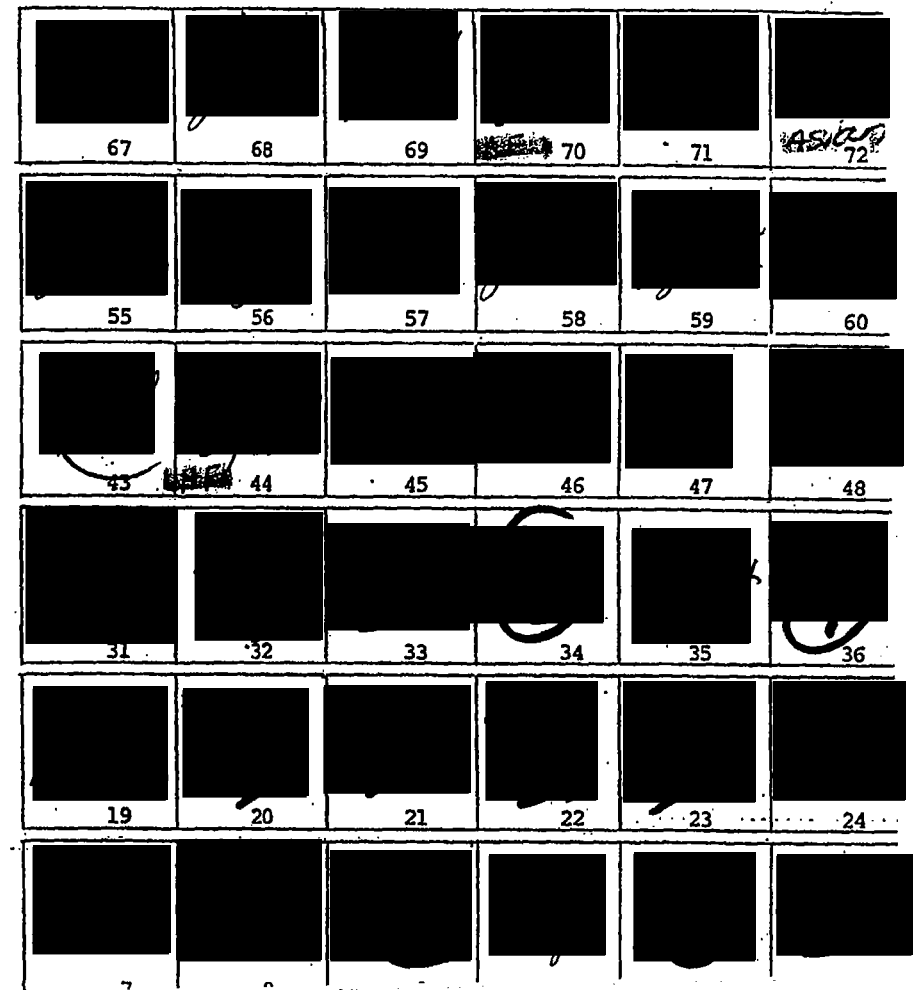


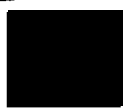
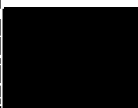

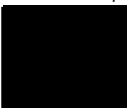

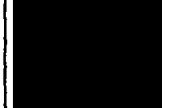


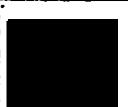


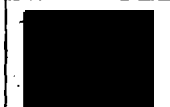







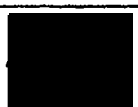


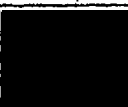



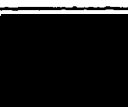







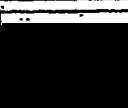
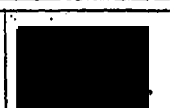
State vs. Andie Thomas





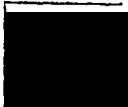







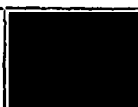



VS

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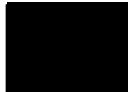
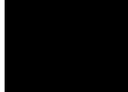
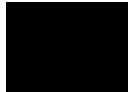
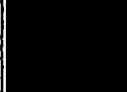



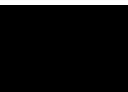
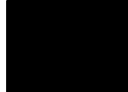
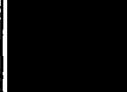
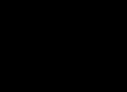

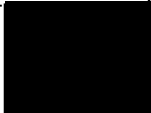




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 133	 134	 135	 136	 137	 138
 121	 122	 123	 124	 125	 126
 109	 BF 110	 111	 112	 113	 114
 97	 98	 99	 100	 101	 102
 85	 86	 87	 88	 89	 90
 73	 74	 75	 HM 76	 77	 BF 78

VS					
 139	 140	 BF 141	 142	 143 PI	 144
 127	 128	 129	 130	 131	 BM 132
 115	 116	 117	 118	 119	 120
 103	 104	 105	 106	 107	 108
 91	 92	 93	 94	 95	 96
 79	 HM 80	 81	 82	 83	 84

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VS						24335
						
175	176	177	178	179	180	
						
<i>Other Hawaiian</i> 163	164	<i>HM</i> 165	166	167	168	
						
151	152	153	154	155	<i>HM</i> 156	

2d panel.

State vs. Andy Thomas

VS

	242	243	244	245	246
229	230	231	232	233	234
217	218	219	220	221	222
205	206	207	208	209	210
193	194	195	196	197	198
181	182	183	184	185	186

247	248	249	250	251	252
235	236	237	238	239	240
223	224	225	226	227	228
211	212	213	214	215	216
199	200	201	202	203	204
187	188	189	190	191	192

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[REDACTED]					
265	266	267	268	269	270
[REDACTED]					
253	254	255	256	257	258

VS					
[REDACTED]					
319	320	321	322	323	324
[REDACTED]					
307	308	309	310	311	312
[REDACTED]					
295	296	297	298	299	300
[REDACTED]					
283	284	285	286	287	288
[REDACTED]					
271	272	273	274	275	276
[REDACTED]					
259	260	261	262	263	264

Exhibit 80

**Article in The Journal of
Nervous and Mental Disease,
Vol. 193, No 1 titled, “Early
Signs in Schizophrenia
Spectrum Disorders”**

ORIGINAL ARTICLES

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Early Signs In Schizophrenia Spectrum Disorders

Ross M. G. Norman, PhD,* Derek J. Scholten, MSc,* Ashok K. Malla, MB, BS,† and
Trevor Ballageer, MD†

Abstract: The frequency of various early signs of illness was examined in 96 first-episode patients suffering from schizophrenia, schizoaffective, or schizophreniform disorder. A factor analysis of these early signs was performed, and each of the five dimensions identified was examined for its relation to symptoms of psychosis at presentation and after 1 year of treatment. The results suggested five primary dimensions of early signs: emotional dysphoria and odd perceptual and cognitive content, impaired functioning, changes related to psychobiological or vegetative functioning, suspiciousness accompanied by difficulties in concentration, and irritability/aggression. Impaired functioning in the prepsychosis period was associated with higher negative symptoms at presentation for treatment, and higher levels of psychobiological changes were associated with lower positive symptoms of psychosis after a year of treatment. The latter findings may indicate that patients with more profound indications of affective disturbance or stress have a better prognosis.

Key Words: Schizophrenia, early signs, prodromal, prognosis.

(*J Nerv Ment Dis* 2005;193: 17–23)

The onset of psychotic symptoms such as hallucinations or delusions in schizophrenia spectrum disorders is frequently preceded by relatively nonspecific changes in behavior and emotional state (Bleuler, 1911; Cameron, 1938; Moller and Husby, 2000; Parnas, 1999; Stein, 1967; Yung and McGorry, 1996a, 1996b). The results of recent systematic studies suggest that among the most common signs and symptoms during the prepsychotic phase of schizophrenia spectrum disorders are sleep disturbance, anxiety, anger/irritability, depressed mood, deterioration in functioning, social withdrawal, poor concentration, suspiciousness, loss of motivation and drive, and low energy (An der Heiden and

Hafner, 2000; Gourzis et al., 2002; Tan and Ang, 2001; Yung and McGorry, 1996b).

Although the accumulation of descriptive data concerning early signs and symptoms of psychosis is important to inform current discussion better about the feasibility and possible benefits of clinical intervention during the prepsychotic phase (McGlashan et al., 2001; Yung and McGorry, 1997), a better understanding of the nature of these signs and their relation to other aspects of psychosis could well advance our understanding of the etiology, psychopathology, and prognosis of schizophrenia-related disorders (Gourzis et al., 2002). Huber et al. (1980) have suggested that the phenomenology of early signs is likely to be very similar to any residual symptoms after treatment, and several authors have noted the importance of examining the possible significance of patterns of prepsychosis symptoms for the later course of schizophrenia spectrum disorders (e.g., Gourzis et al., 2002; Hafner, 2000; Vaglum, 1996; Yung and McGorry, 1996a).

Hafner et al. (1999, 2000) found that depression very early in the course of schizophrenia predicted severity of several aspects of symptoms during the initial episode of psychosis, but this was primarily based on depressive symptoms that emerged after the onset of psychosis. They did not, however, find any relation of such early symptoms of depression to the later course of positive symptoms.

The longitudinal data base for the Prevention and Early Intervention Program for Psychosis (PEPP) in London, Ontario, provides a unique opportunity to examine the nature of early symptoms and behaviors preceding the onset of psychosis and their possible relationship to other aspects of psychotic disorders including presenting symptoms, treatment outcome, cognitive functioning, and treatment delay. PEPP, which is an integrated treatment and research program for early intervention, uses a standard protocol for assessment of early signs of illness, treatment delay, cognitive functioning, and symptoms at entry into the program and after 1 year of treatment. In this article, we report analyses of the data collected as part of this protocol to investigate further the most common early signs of schizophrenia spectrum disorders and to examine their relations to symptoms at presentation for treatment and after 1 year of treatment.

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METHODS

Subjects

Subjects were 96 patients who presented to PEPP for treatment of a schizophrenia spectrum psychosis. Criteria for admission to PEPP include that patients have not previously received treatment of a period of longer than 1 month. Diagnosis was established on the basis of the Structured Clinical Interview for DSM-IV (First et al., 1997) performed by a highly experienced interviewer.

Procedures

Generally within 1 or 2 months of entry into the program, interviews were performed with each patient and a family member regarding the circumstances of the onset of the illness. Interviews with patients were performed only after it was judged that psychotic symptoms would not interfere with their ability to recall early course. This interview included information related to the identifiable changes in behavior, functioning, or emotion that the respondent noticed in the period preceding the onset of psychosis. A point was made of not including any behavioral anomalies that could be characterized as lifelong behavior patterns such as always having been a shy, withdrawn person or having had a tendency to be anxious or worried since a young child. In addition, symptoms associated with other longstanding psychiatric conditions with origins in childhood were omitted. The latter were noted infrequently, but usually related to developmental disorders such as attention deficit disorders or conduct disorders. In general, the emphasis was on detecting the changes before psychosis that represented a deviation from the individual's previous relatively stable level of functioning. The information was collected using a series of probes related to 25 potential early signs or symptoms derived largely from the Instrument for the Retrospective Assessment of Onset of Schizophrenia (Hafner et al., 1992). The data regarding early signs and symptoms that are the focus of the current report concern whether each of 25 potential symptoms ever occurred during the period from the first noticed change to the onset of psychotic symptoms (hallucinations, delusions, or clear thought disorder). Respondents were also given the opportunity to report any additional early signs not included in the list, but such additional observations were very seldom noted and so are not included in our report.

There are two points that should be particularly noted with respect to the assessment of these early signs. First, past reports differ in whether alcohol abuse and/or drug use is included as an early or prodromal sign (*cf.*, Gourzis et al., 2002; Yung and McGorry, 1996b). Although information regarding such substance use was collected, it was not considered an early sign for our purposes. Instead, these data were examined for whether other early signs differed significantly depending on the individual's substance use. A sec-

ond point relates to the assessment of changes such as the occurrence of odd bizarre ideas, unusual perceptual experiences, suspiciousness, or disorganized speech. Such symptoms can be considered as possibly being prepsychotic signs or more specific symptoms of impending psychosis (Cameron, 1938; Gourzis et al., 2002). In assessing these symptoms, strong efforts were made to not include a change or experience as an early or prodromal sign if it met criteria for definite hallucinations, delusions, or thought disorder as rated on instruments such as the Scale for the Assessment of Positive Symptoms (SAPS) and the Scale for the Assessment of Negative Symptoms (SANS), with which raters were very familiar.

As noted, data relevant to early signs were usually collected from a number of independent sources, including both the patient and a family member, and case records and clinicians who might be familiar with the patient's case were frequently consulted. Interrater reliabilities of the results of interviews were generally good (κ values between .69 and .95). In cases in which marked discrepancies were noted between different sources of information, a discussion was held between research staff familiar with the instrument and clinical staff familiar with the patient to arrive at a best estimate. A particular sign or symptom was not judged to have occurred unless there was a definite basis for inferring it had occurred—that is, questionable or uncertain evidence was treated as not reflecting changes. Although we had hoped to collect information concerning the timing of changes, our experience was that in many cases, such information could not be measured with sufficient reliability to include in the current report.

As part of the assessment protocol within PEPP, symptom ratings were performed on patients using the SAPS (Andreasen, 1984) and the SANS (Andreasen, 1983) at the time of entry into the program and after 1 year of treatment. A total score was calculated for the SAPS by adding each of the global scores (hallucinations, delusions, bizarre behavior, and formal thought disorder), and for the SANS, the five global scores for affective flattening or blunting, avolition-apathy, anhedonia-asociality, and attention were added. Given repeated findings that the symptoms assessed by the SANS and SAPS may be meaningfully classified into three syndromes (Liddle, 1987; Malla et al., 1993), in addition to calculating the global score for both the SAPS and SANS, we also calculated scores for each of the syndromes of reality distortion, psychomotor poverty, and disorganization on the basis of the factor analysis by Malla et al. (1993).

Treatment within PEPP is based on a rational standardized protocol including both pharmacological and psychosocial interventions. Further details of the treatment and assessment protocols are available elsewhere (*e.g.*, Malla and Norman, 2001; Malla et al., 2003; Townsend et al., 2001; <http://www.PEPP.ca>).

RESULTS

Characteristics of Sample

As can be seen in Table 1, the sample was predominantly male, and just less than 70% had a diagnosis of schizophrenia. It was a relatively young sample, and more than 80% were single. More than 50% had completed high school, and 33.4% had attended a college or university.

Early Signs and Symptoms

The average number of early signs identified was 7.5, with a range from 0 to 16. Table 2 presents the 25 early signs assessed in decreasing order of frequency. Disruption in social behavior such as impaired role functioning and social withdrawal are the most frequent early signs and symptoms. Mood changes such as anxiety, depression, and irritability are also common, along with suspiciousness, difficulties with concentration, and odd, bizarre ideas followed by disruptions in sleep, energy, and appetite. The other early signs reported for almost 30% of patients were restlessness and unusual perceptual experiences. All other signs included in the instrument with the exception of catatonia and passivity experiences were reported by at least 10% of patients.

A principal components factor analysis was performed on those early signs reported by at least 20% of the sample. Given the binary nature of the data, this analysis was based on a matrix of tetrachoric correlations (Knol and Berger, 1991; Parry and McArdle, 1991). A scree plot suggested that

TABLE 2. Frequency of Early Signs and Symptoms

Sign/symptom	Frequency of endorsement (%)
Impaired role functioning	74.0
Social withdrawal	57.3
Anxiety	47.9
Suspiciousness	47.9
Difficulties with concentration	47.9
Depression	47.9
Irritability/aggression	47.9
Odd, bizarre ideas	45.8
Decreased energy	44.8
Sleep disturbance	44.8
Change in appetite	37.5
Restlessness	29.2
Unusual perceptual experiences	28.1
Memory problems	19.8
Self-harm	19.8
Flat affect	18.8
Odd/eccentric behavior	18.8
Altered motor behavior	12.5
Disorganized speech	12.5
Obsessive/compulsive symptoms	12.5
Poor hygiene	12.5
Elation	11.5
Inappropriate affect	10.4
Catatonia	3.1
Passivity experiences	2.1

TABLE 1. Characteristics of Sample (N = 96)

Gender	
Male	70
Female	26
Diagnosis	
Schizophrenia	70
Schizoaffective	23
Schizophreniform	3
Age at entry (y)	
Mean	26.2
Range	16.3–51
Age at onset (y)	
Mean	24.5
Range	12–50.7
Marital status	
Single	78
Married/Common-law	12
Separated/divorced	6
Education	
Not completed high school	43
Completed high school only	21
College or university studies	32

a five-factor solution was appropriate, and the results of a varimax rotation are presented in Table 3. Item loadings of .40 or greater were examined in articulating the nature of the factors.

The first factor has heaviest loadings from anxiety and depression but also includes odd, bizarre ideas and unusual perceptual experiences. Although the latter two items do not include observations that qualify as frank psychotic symptoms, they may be somewhat muted initial stages of such symptoms. Finding such a dimension is consistent with past findings that emotional dysphoria can correlate with positive symptoms in both cross-sectional and longitudinal data (e.g., Lysaker et al., 1995; Norman and Malla, 1994; Norman et al., 1998).

The second factor reflects functioning, especially impaired role functioning and social withdrawal. As might be expected, given their likely implications for functioning, difficulties with concentration and decreased energy also show loadings greater than .40 on this factor, although they also load on factors 4 and 3, respectively. This factor likely reflects early aspects of negative symptoms such as reduced

TABLE 3. Factor Loadings, Principal Components Factor Analysis: Early Signs and Symptoms

Item	Factor 1	Factor 2	Factor 3	Factor 4	Factor 5
Impaired role functioning	.00	.85	.05	-.11	.00
Social withdrawal	.15	.66	.00	.18	.16
Anxiety	.76	.02	.02	.30	.10
Depression	.77	.03	.01	-.15	.09
Irritability/ aggression	.12	.17	.08	.06	.86
Difficulties with concentration	-.13	.54	.04	.63	.04
Suspiciousness	.16	.08	.26	.80	.02
Odd, bizarre behavior	.46	.25	.23	.02	.14
Decreased energy	.32	.47	.51	.06	.03
Sleep disturbance	.15	.10	.64	.23	.12
Change in appetite	.34	.07	.61	-.28	-.37
Restlessness	-.24	-.17	.75	.15	.09
Unusual perceptual experiences	.44	.13	.01	.27	-.44

energy, cognitive functioning, and social withdrawal and their implications for role functioning. The particular early signs loading on this factor in our analysis certainly appear to correspond particularly to the psychomotor poverty syndrome, which has now been identified in several analyses of symptoms displayed after onset of psychosis (e.g., Liddle, 1987; Malla et al., 1993). The prominence of such symptoms in the early prepsychotic phase has been suggested in previous studies (e.g., An der Heiden and Hafner, 2000; Hafner, 2000).

The third factor appears to reflect disturbances in physical or biological functioning such as restlessness, sleep disturbance, change in appetite, and decreased energy. Such disturbances are often seen in association with mood disturbance or stress.

Characterization of factor 4 is more challenging. The two items primarily loading on this factor are suspiciousness and difficulties with concentration, suggesting possible cognitive distraction or preoccupation. The final factor has a significant loading only from the item concerning irritability or aggression.

Scores reflecting each of the factors were calculated by adding up the occurrence of all of the items that had a loading of .40 or greater on that factor. Difficulties with concentration and decreased energy, which had a loading on two factors, were included only in the factor on which they had the highest loading. Thus, the score reflecting factor 1 was based on four items; two items for factor 2; four for factor 3; two for factor 4; and only the irritability/aggression item was used to define the final factor. Subsequent analyses were based primarily on these scores.

We examined the possible relationship between these dimensions of early signs and drug or alcohol abuse before

onset of psychosis, specific diagnosis (schizophrenia versus schizoaffective disorder), and gender. One significant finding was that those patients who had engaged in drug abuse were more likely to have displayed irritability (factor 5) in the prepsychosis phase ($t = 2.47$; $p < .05$). Those with schizoaffective disorder had higher scores on factor 3 ($t = 3.72$; $p < .01$), and women had higher scores than men on factor 1 ($t = 2.19$; $p < .05$) and factor 3 ($t = 3.24$; $p < .01$).

Early Signs and Presenting and 1-Year Symptoms

Correlations between each of the five dimensions of early signs and symptoms of psychosis at entry into treatment and after 1 year are presented in Table 4. Only the second factor, reflecting role functioning and social withdrawal, was correlated with symptoms at initial presentation. Those with more disruption in this domain had higher scores on the SANS, especially those symptoms reflecting psychomotor poverty at the time of starting treatment.

After a year of treatment, those who showed higher scores on factor 3 (restlessness, sleep disturbance, change in appetite, and decreased energy) showed lower levels of positive symptoms. This trend was reflected in global SAPS score and syndromes of reality distortion and disorganization. There were no other correlations between domains of early signs and symptoms at 1 year.

To examine whether factor 3 predicts level of positive symptoms after 1 year of treatment independently of other factors such as initial level of symptoms, gender, or a diagnosis of schizophrenia versus schizoaffective disorder, we performed a multiple regression in which each of these variables was entered to predict global SAPS score and

TABLE 4. Correlations of Early Signs With Symptoms at Presentation and 1 Year

	Factor 1, dysphoria	Factor 2, functioning	Factor 3, psychobiological	Factor 4, preoccupation	Factor 5, irritability/aggression
Presentation					
SAPS global	.05	.07	.13	.02	.11
SANS global	.06	.22*	.19	.12	.09
Psychomotor poverty	.07	.20*	.06	.11	.08
Reality distortion	.14	-.02	.05	-.04	-.05
Disorganization	-.09	.12	.19	-.00	.04
One year					
SAPS global	-.16	-.02	-.29*	-.13	.02
SANS global	-.16	.10	-.14	-.01	.14
Psychomotor poverty	-.13	.04	-.12	-.04	.12
Reality distortion	-.17	-.10	-.26*	-.24	-.02
Disorganization	-.17	.10	-.25*	-.02	.03

* $p < .05$.

reality distortion and disorganization symptoms at 1 year. Results of these analyses indicate that only factor 3 predicted global SAPS score and reality distortion independently of the other variables.

DISCUSSION

The findings regarding the most frequent early signs of psychosis as summarized in Table 2 are in general agreement with earlier reports (e.g., An der Heiden and Hafner, 2000; Gourzis et al., 2002; Tan and Ang, 2001; Yung and McGorry, 1996b). There are differences in the exact estimates of frequency that are likely caused by variation in methodology, but there appears to be remarkable convergence across studies in which are the most frequently reported early signs. For instance, each of the 10 most frequent early signs reported in Table 1 were also among the 10 most common symptoms reported by Yung and McGorry (1996b). Similarly, there is considerable overlap with the most frequent early signs identified by Gourzis et al. (2002) and Tan and Ang (2001).

Our factor analysis of early signs is an initial attempt to examine an underlying dimensional structure of early signs. The first factor appears to reflect dysphoric mood and unusual beliefs and perceptual experiences that are likely on a continuum with delusions and hallucinations but have not reached the threshold for being clearly psychotic symptoms. The finding that female patients scored higher than males on this dimension suggests that the greater evidence of dysphoric symptoms for women frequently found after the onset of psychosis (Castle and Murray, 1991) is also present in the early prepsychotic phase.

The relationship of the second factor reflecting impaired role functioning, social withdrawal, and decreased energy to global score on the SANS and the psychomotor

poverty syndrome at time of admission could well be expected because the relevant symptoms scored on the SANS would seem likely to show some continuity with these early signs. It is noteworthy, however, that this continuity did not extend to level of such symptoms after a year of treatment. In this connection, it is perhaps important to note that our measure of negative symptoms does not allow a discrimination of those that might be considered primary versus secondary.

The third factor represents changes in some basic psychomotor and vegetative signs including reduced energy, disturbed sleep and appetite, and restlessness. From the perspective of predicting outcome after a year of treatment, this was the most interesting factor. Although not related to level of positive symptoms at presentation, higher scores on this factor during the prepsychotic phase were associated with lower levels of positive symptoms after 1 year of treatment. Furthermore, this factor predicted reduction in global SAPS score and reality distortion symptoms (hallucinations and delusions) independently of initial level of symptoms, gender, and whether the diagnosis was schizophrenia or schizoaffective disorder.

Hafner et al. (1999) reported that early signs of depression did not predict course of positive symptoms. Our findings suggest that although this is true with respect to subjective mood, some of the biological or vegetative signs that can accompany dysphoria did predict recovery from positive symptoms. The early signs loading on the third factor are frequently considered psychobiological signs accompanying emotional dysphoria or stress. The correlation between factor 1, reflecting signs of mood disturbance, and factor 3 was significant ($r = .44$; $p < .001$), but only the psychobiological signs were significant predictors of treatment outcome for

positive symptoms. Why might this be? One possible explanation is that such psychobiological signs may reflect the presence of some underlying mood changes contributing to the onset of psychosis, whereas subjective mood changes per se could also be reflecting a response to the occurrence of increasing level of disruption of cognitive function and content.

Another complementary hypothesis is that such psychobiological changes are more likely to occur in response to a significant life stressor, a process similar to the recurrent idea of a reactive process in some cases of psychotic disorders. Certainly there is evidence that for some patients, variation in level of environmental stress may play a role in modulating level of psychosis (Norman and Malla, 1993a, 1993b). If this were the case, it is possible that those patients for whom such psychobiological changes occur (perhaps in response to a substantial stressor) before onset of psychosis are significantly more likely to recover. Our findings support the observations of Vaillant (1978) that the more any psychosis resembles a depressive or reactive psychosis, the more likely it is to respond to treatment. In this respect, it is important to note that the findings of the early signs on factor 3 predicting variance in positive symptoms after a year's treatment are not simply reflecting a difference between schizophrenia and schizoaffective psychosis. When the relevant correlations are examined for only those patients with a diagnosis of schizophrenia, they are similar in magnitude to those reported in the total sample ($r = -.33$; $p < .05$; and $r = -.32$; $p < .05$ for the SAPS global and reality distortion syndrome, respectively). Both the correlations for the entire sample and those for only patients with a diagnosis of schizophrenia suggest that this dimension of early signs predicted approximately 10% of variance in positive symptoms at 1-year follow-up.

Aside from the finding that irritability was more common in those with a history of drug abuse during the prepsychosis period, the remaining two dimensions of early signs did not show a significant relationship to clinical, premorbid, or personal characteristics of patients.

CONCLUSION

In our sample of 96 first treated episode patients, the most common early signs in the prepsychosis period primarily reflected changes in social functioning; mood changes; psychobiological changes in appetite, sleep, energy, and restlessness; and changes reflecting odd ideas and perceptual experiences that had not reached threshold as clear psychotic symptoms.

Exploratory factor analysis suggested the existence of five dimensions: dysphoria and odd perceptual and cognitive content, impaired functioning, psychobiological changes, suspiciousness and difficulties with concentration, and irritability/aggression. Impaired functioning in the prepsychosis period was associated with higher negative symptoms at

presentation for treatment, and higher levels of psychobiological changes in the early stage of illness was associated with greater improvement in positive symptoms after 1 year of treatment. The possible association of psychobiological changes in the prepsychotic phase with a more emotionally reactive form of schizophrenia seems worthy of further investigation.

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Exhibit 81

**Contract for expert services of
Dr. Shannon Miller at
Forensic Addiction and
Psychiatric Services, L.L.C.**

THE TREASURER
COUNTY OF GRAYSON
STATE OF TEXAS
SHERMAN, TEXAS 75090



BANK ONE TEXAS, N.A.
SHERMAN, TEXAS 75090

091433

VOID AFTER 90 DAYS
CHECK #: 091433

DATE 01/10/2005

AMOUNT \$3,750.00

PAY TO THE ORDER OF: *****3,750 DOLLARS 00 CENTS

CLEARING ACCOUNT

7965 FORENSIC ADDICTION AND PSYCHIATRIC
SERVICES, LLC
P. O. BOX 211
DAYTON OH 45409

NON-NEGOTIABLE

COUNTY OF GRAYSON
CLEARING ACCOUNT

PLEASE DETACH BEFORE DEPOSITING

091433

01/10/2005

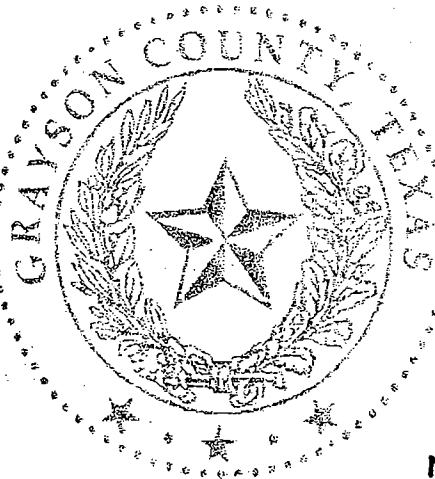
CHECK #: 091433

GENERAL FUND	010-475-427	ANDRE THOMAS/RETAINER	RETAINER FEE	3,750.00
			TOTAL AMOUNT	3,750.00

*Returned
\$3,112.50*

3/29/05

CR 80655



NO. 3354
REGISTERED

JAN 10 2005

Virginia Hughes
Treasurer, Grayson County, TX



JOSEPH D. BROWN
GRAYSON COUNTY CRIMINAL DISTRICT ATTORNEY

*1/5/05
Emailed
Deborah
for
address*

January 5, 2005

Mr. Richey Rivers
County Auditor
Grayson County, Texas

Dear Richey:

Enclosed please find a contract I intend to sign for an expert witness in the Andre Thomas case. The witness requires a retainer fee of \$3,750.00. Please forward a check made payable to Forensic Addiction and Psychiatric Services, L.L.C. to my office as soon as possible and I will forward it to the witness. As this matter is set for trial next week, we need the check as soon as possible.

If you have any questions, please let me know

Sincerely,

Joseph D. Brown
District Attorney
Grayson County, Texas

POSTED

JDB/ds

**RECEIVED
JAN 10 2005
J. RICHIE RIVERS
COUNTY AUDITOR**



Forensic Addiction and Psychiatric Services, L.L.C.

P.O. Box 211, Dayton, Ohio 45409

937-299-9204 (office) 937-245-0711 (cell)

www.forensicaddictions.com (website) smiller@forensicaddictions.com (email)

Shannon C. Miller, M.D., FASAM, CMRO

Board Certified in Psychiatry, ABPN

Certified in Addiction Medicine, ASAM

Certified in Medical Review of Drug Testing, MROCC

Fellow, American Society of Addiction Medicine

Licensed to practice medicine in the State of Ohio

CONTRACT

Date: November 24, 2004


- 1) **RETAINING PARTY:** The retaining party in this agreement ("Agreement") is the attorney, law firm, or disability insurer (hereafter referred to as "Retaining Party") who is retaining the forensic services of Forensic Addiction and Psychiatric Services, L.L.C. (hereafter referred to as "FAPS"). The Retaining Party is specifically not the Plaintiff or the Defendant in the underlying lawsuit.
- 2) **CONDITIONS OF ENGAGEMENT:** The following are explicit terms and conditions of FAPS's engagement to perform forensic consultation services for the Retaining Party:
 - a) The forensic work herein is limited to the practice of forensic medicine, and shall not include any clinical treatment. **NO TREATMENT WILL BE PROVIDED AND NO DOCTOR PATIENT RELATIONSHIP SHALL EXIST BETWEEN FAPS'S DOCTORS AND THE SUBJECT OF THE FORENSIC CONSULTATION.**
 - b) **If evaluation or testimony is required outside of Ohio**, it is the Retaining Party's responsibility to make all legal arrangements necessary with the local state, state medical board, medical society, and/or any pertinent licensure regulations or codes in order to confirm that FAPS will be allowed to examine, diagnose, and/or assess the examinee(s) (and/or legal materials) in the state where they are located and to testify in Court as a medical expert, if necessary, in the jurisdiction where the civil lawsuit or criminal matter is being adjudicated. These requirements tend to vary from state to state and may require a full, unrestricted license in that state, a time-limited license in that state, a reciprocity agreement, etc. It is the intent of FAPS to comply with all known state-specific mandates. Such requirements and possible

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DefBill000003

arrangements for out-of-state work must be verified in writing to FAPS prior to FAPS accepting out-of-state work. Any financial requirements or penalties arising from such state-specific mandates will be the responsibility of the Retaining Party to pay. The Retaining Party agrees to indemnify FAPS against any costs FAPS may incur due to Retaining Party's failure to make proper legal arrangements.

- 
- c) ~~The Retaining Party will seek and make available to FAPS for review all records that reasonably pertain to the questions that FAPS is being asked to address and any additional records requested by FAPS for review. These shall generally include, but not be limited to, the following:~~
- a. ~~The Complaint or criminal indictment, and other pleadings.~~
 - b. ~~All prior and current medical; drug testing; police; psychiatric, psychological and/or counseling records; deposition transcripts of relevant parties (in electronic form where available plus "hard" paper copies of all deposition transcript exhibits); other medical, psychiatric or psychological expert records pertaining to the examinee(s).~~
 - c. ~~In addition, where applicable, these records produced for review by FAPS shall also include, when available, employment records, school and other academic records, military records, police, local state and/or federal incarceration records, "rap sheets," Complaints and possibly expert reports and deposition transcripts from prior, relevant litigation, if any.~~
- d) Retaining Party shall obtain for FAPS a *Release and Waiver of Confidentiality* signed by the examinee(s) on the form provided to the Retaining Party by FAPS, a copy of which is attached hereto.
- e) The *Release and Waiver of Confidentiality* signed by the examinee(s) shall allow FAPS to audiotape and/or videotape all of interviews with the examinee(s). Such audio and/or video recordings shall become part of FAPS's "work product" for this case and will be governed by the rules of discovery and covered by the confidentiality provisions and written waivers thereof that apply to all other such material in the case.
- f) No information pertaining to FAPS staff member's confidential or private information shall be shared with the Plaintiff, Defendant, or others (i.e. personal address, phone number, etc.) by the Retaining Party.

3) FEES AND EXPENSES:

- a) General and Preparation Fees: In consideration of agreeing to serve as forensic addiction consultant/expert to the Retaining Party, FAPS shall be reimbursed for all time spent on the case, including, but not limited to, record review, telephone or in-office consultation, interviews, and report writing, at the rate of \$375 per hour plus expenses, in tenth of an hour (6 minutes) increments. Furthermore, it is agreed that any estimate provided of the total amount of time required to prepare a report or for testimony at deposition or trial, is only an approximation and should not be relied upon as a firm bid or as a stipulated cost limitation.

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- B
- b) Retainer Fee: Advanced payment of a ~~nonrefundable~~ retainer of \$3,750 is required before commencement of any consultative work on the case, as an advance against which fees will be billed. The retainer fee shall be replenished upon a written request by FAPS prior to the provision of any additional consultative services, beyond the ten hours prepaid by each retainer installment.
 - c) Conditions for Deposition Testimony: Deposition testimony requires that FAPS staff members rearrange other clinical and administrative obligations in order to accommodate the deposing attorney's request. Therefore, in order to be certain that FAPS staff members will be compensated for the time scheduled to accommodate deposing counsel, one of the following two conditions must be met no later than two weeks prior to FAPS staff member's appearance at any deposition.
 - i. Prepayment of the full non-refundable deposition testimony fee (see item 3.d., below) for the specific period of time allocated for the deposition including all estimated travel and preparation time; or
 - ii. Receipt of a written guarantee from the deposing attorney that full payment for allocated deposition time including all estimated travel and preparation time will be made by the pre-scheduled deposition, whether or not the deposition is subsequently cancelled.

Irrespective of whom requests and sets said deposition, the Retaining Party will be responsible for any balance not paid in the event that the deposition is cancelled and/or deposing counsel refuses to pay for FAPS's scheduled deposition time.

- d) Testimony (Deposition or Trial) Fee: A per-day fee of \$3,750 shall be charged for all testimony (at deposition or trial) due no later than fourteen (14) calendar days prior to deposition or trial. If scheduled testimony is cancelled less than fourteen (14) calendar days prior to the scheduled date, a late fee of \$1,500 shall be billed as compensation for FAPS staff member's prescheduled time; provided, however, that if scheduled testimony is cancelled less than forty-eight (48) hours prior to the commencement time on the scheduled date, the full per-day fee of \$3,750 shall be due and payable as a cancellation fee.
- e) Local Travel Fee: The fee for local travel (within Montgomery County, Ohio) is \$300 *per hour*, plus expenses, rounded to the quarter hour. Travel to near counties (limited to Greene, Warren, Butler, Preble, Darke, Miami, and Clark) has a fee of \$350 per hour, plus expenses, rounded to the quarter hour.
- f) Non-local Travel Fee: The per-day fee for non-local travel is \$3,750 *per day*, plus expenses, including travel by business class conveyance and appropriate lodging if needed. Before such travel is undertaken, a retainer of \$3,750 per day of expected non-local travel shall be paid in advance.
- g) Non-local Days Away From FAPS Office: Days spent away from the FAPS office as part of non-local work will be billed at \$3,750 per day.

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- h) Cancelled Appointments: Appointments may be cancelled without fee, if done so at least fourteen (14) calendar days prior to the scheduled date. Appointments cancelled less than fourteen (14) calendar days prior to the scheduled date will incur a late fee of 60% of the anticipated fees that were to be charged for the appointment (including all estimated travel time) – preparation time will still be billed at the full rate. Provided, however, that appointments cancelled late (with less than forty-eight hours notice) or “no-show” appointments will be paid in full. Because this time has been paid for, it may prove possible and productive to fill this time with other work relating to this case.
 - i) Payment: A statement describing expenses and services rendered will be maintained by FAPS, and made available to the Retaining Party as requested. Prompt payment is the sole responsibility of the Retaining Party, independent of case outcome. Payment is due in full within thirty (30) days of written bill/request. Overdue accounts will accrue interest at 1 ½% per month, prorated. Failure to pay in a timely manner may void this Agreement at FAPS’s option, terminating the consulting agreement and leaving the Retaining Party responsible for the immediate payment of any unpaid balance. Payment is not contingent on any verdict, outcome, or settlement.
 - j) Liquidated Damages: Given the fact that FAPS staff members must rearrange other clinical and administrative obligations in order to accommodate and schedule appointments and deposition and trial testimony, Retaining Party acknowledges and agrees that it would be difficult, if not impossible, to anticipate or calculate the damages that would be incurred by FAPS in the event such scheduled events are cancelled as provided in this Agreement. Retaining Party further acknowledges that the late fees and cancellation fees provided in this Agreement are a reasonable and fair estimation as to the damages that would be incurred by FAPS in such events, and are not a penalty.
- 4) ADDITIONAL TESTING: Additional lab tests, psychological testing, medical tests, etc. may be indicated and requested by FAPS. The Retaining Party will ensure such tests are completed and paid for, with results forwarded to FAPS. FAPS generally does not provide such additional services, and thus will not request/accept such payments.
- 5) EXPERT OPINION: Retaining Party acknowledges that FAPS will render an opinion based on its professional judgment. Thus, after evaluation of all available data, it may be that FAPS’s opinion is unfavorable to one or more positions that Retaining Party or its client espouses.
- 6) INDEMNITY: The Retaining Party shall indemnify and hold FAPS harmless from and against any and all liabilities, obligations, losses, damages, penalties, actions, judgments, suits, claims, costs, expenses and disbursements of any kind or nature whatsoever, including, but not limited to, reasonable attorneys’ fees, that may be imposed upon, incurred by, or asserted against FAPS relating to or arising

from, directly or indirectly, any claims brought against FAPS based on the opinions it renders, so long as those opinions are rendered in accordance with the standards of the profession of addiction medicine.

- 7) DISPUTE RESOLUTION: The Retaining Party agrees to pay any and all necessary attorney's fees and court costs in the event that it is necessary to institute legal proceedings to collect any sums owing pursuant to this Agreement. In such event, the undersigned agree that any and all fee and other disputes arising out of or related to the provision of professional services shall be resolved by binding arbitration before a retired judge appointed by the JAMS dispute resolution service. The exclusive proper venue for resolution of any and all disputes shall be Montgomery County, Ohio.
- 8) FULL AND FINAL AGREEMENT: This is the full and final agreement of the parties. This Agreement can only be amended by a subsequent writing signed by the parties. Signature below indicates full agreement with all of the terms and conditions of this Agreement; please retain one copy and return one signed original copy to FAPS. Thank you.

Attachment: Release and Waiver of Confidentiality

Forensic Addiction and Psychiatric Services, L.L.C.

By: _____

Date

Shannon C. Miller, M.D., FASAM, CMRO
Managing Member

Grayson County District Attorney's Office
Names of Retaining Party (Attorney and/or Law Firm) (PRINT)

Joseph D. Brown
(Signature)

1-3-04
Date

CONTRACT: Forensic Addiction and Psychiatric Services, L.L.C.

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Exhibit 82

**Voir Dire Outline, State v.
Andre Thomas**

1-13-05

VOIR DIRE OUTLINE, *STATE V. ANDRE THOMAS*

GENERAL SUGGESTIONS

The jurors' oath is to "render a true verdict according to the law and evidence". T.C.C.P. 35.22
It is necessary for the jurors then to know the law and the evidence that will be presented so that counsel can determine if there will be any bias against the law that each will need to apply or biased against the defendant. T.C.C.P. Art. 35.16.

When possible, in putting your *voir dire* in context, tell your client's story in two minutes or so. Get their interest so that they will want to hear more. Delete the times, dates, etc., reach the jurors on an emotional level, in their gut. Remove anything argumentative or persuasive so as to avoid objections that will destroy the flow of your statement. You may tell the story in the past tense so that it is less objectionable, leaving the more creative present tense or 1st person or inanimate object statements for your opening and closing.

Consider using charts that will display: (1) language of capital murder statute, (2) future danger issue, (3) mitigation issue, (4) the "insanity diagram" that was developed last week., (5) the "stair-step" explanation of burdens of proof.

1. Keep the questions short (easier to understand).
2. Use simple language — (easier for them to understand and respond to).
3. Avoid using terms such as "fairness", "bias", "impartiality", "prejudice". You just want them to render a true verdict according to the law and the evidence.
4. Use open ended questions until you are ready to challenge someone for cause or rehabilitate a venireman that you want.
5. Take your time. Don't be too hasty about making a challenge. Learn as much as you can about a juror — avoid the stereotypes.
6. Listen, Listen, Listen with your ears and your eyes. Don't attempt this alone. Have someone else write down the responses -very accurately. Many of your questions will simply be asking the juror about previous responses. What did they mean by that?
7. Deal with the harmful evidence during voir dire. It is better that they hear it now (and perhaps be excused) than to hear it for the 1st time in trial and use it during the deliberations.

8. Let jurors educate themselves and each other. Don't preach to them in the hopes that they will be persuaded by you or just to get a head nod or "I take by your silence..."

9. Don't be negatively judgmental. Take the response, good or bad, and validate the juror's right to that opinion. Then find out if other jurors agree or disagree.

10. If you believe that a response might contaminate a panel, or be unduly embarrassing to a juror, ask that they be allowed to approach the bench. Use this as an opportunity to ask for individual *voir dire* if you do not otherwise get it.

11. Work out ahead of time with the court when you will be making your challenges for cause. Don't do it right after the juror has given you a critical response. This embarrasses the juror and sends a signal (never good) to the others.

12. Try to make sure that the question appears relevant. This will allow you to discuss the case in some fashion.

13. Solidify the view of the juror that you will challenge.

- ☐ "You have thought about this a lot, haven't you?";
- ☐ "You take this matter very seriously, don't you?";
- ☐ "You have thought this way for a long time, haven't you?";
- ☐ "You understand that you are entitled to this opinion"
- ☐ " No one could change your mind about this could they";
- ☐ " The prosecutor could not change your mind? The judge could not change your mind?
- ☐ "If Mr. Thomas was to change your mind, he would have to show you a whole lot, wouldn't he?" (burden shifter)

14. Make it interesting. You will get more information if the jurors are talking with you than you if you are talking to them.

**15. LISTEN, LISTEN, LISTEN AND SHOW THE JUROR YOU ARE
INTERESTED IN WHAT HE/SHE HAS TO SAY**

16. Have a colleague write the responses VERBATIM so that questioning counsel can listen and do proper follow up.

- ✓ Watch for the prosecution's opening the door to an instruction on consequences of NGRI.
- ✓ Watch out for the "*Standefor* throw down objection" – prosecutors may object on "*Standefor* grounds" when it is not applicable. *Standefor* says a number of things, so a "*Standefor* objection" is not a specific objection. **See the attached *Standefor* memo.**
- ✓ Will judge allow exercising of strikes from a pool rather than as voir dire proceeds? – without waiving the objection to the lack of 2 juries, this might provide a better alternate.
- ✓ What can be done to investigate the venire?
- ✓ Challenge the composition of the grand and petit juries

FOLLOW UP QUESTIONS

- ✓ Why do you feel that way?
- ✓ How long have you felt that way?
- ✓ Have there been any experiences in your life that have influenced you?
- ✓ Have you shared your feelings with anyone? When?
- ✓ What did you tell them? What did they say to you?
- ✓ What do you think about people who don't think as you do? Why is your's the better view?
- ✓ Can you give me an example of what you mean?
- ✓ What else should we know about your views on this?
- ✓ Mr. Jones has said that he thinks _____. Do you agree/disagree with him? Why? How strongly do you disagree/agree?
- ✓ How could the system be improved?
- ✓ What do you expect of me? Of the prosecutor? The judge?

EDUCATING THE JURORS

Introducing Legal Concepts – Let the jurors know what your doing and why, tell them and, if possible, summarize what you have told them.

Try to use visual aids to explain terms, but don't spend more than about 12 minutes

Try to limit your explanation to more than 5 per hour

Don't ask them "Do you understand that?" as this places the burden on them for understanding what you have inartfully tried to explain

Consider asking : "Did I do a good job of explaining that to you?" or ask a juror to explain back the concept in their own words. The juror may explain it more simply than you can. This exercise will force counsel to try to simplify things.

REINTRODUCE OURSELVES AND ANDRE THOMAS

Always refer to the client by his proper name during *voir dire*. However, avoid using pronouns in your discussion so that jurors don't have to think about who or what you are referring. It is important that you show respect to the client at all times, that you like him and that you are not afraid of him. This will hopefully pass through to the potential jurors. When introducing Andre, explain why he is wearing mittens.

- a. Bobby used to hold the title of first or chief assistance to D.A. just as Ashmore (current prosecutor does now).
- b. Good juror on some cases , but not this one, may disagree with some part of the law and won't be able to follow it.
- d. I will be asking you a number of questions, but feel free to tell me if there is some reason why you feel that you should not serve on this jury.
- c. Put the jurors at ease: I just need for you to share with me what is on your mind. At some point, you may want to say "R.J. there is something in my background that I think you should know or that I feel strongly about"

MAIN TOPICS — LET THEM KNOW WHAT YOU WILL BE COVERING A NUMBER OF THINGS INCLUDING PUBLICITY, MENTAL ILLNESS, INSANITY, RACE AND OUR VIEWS ON DEATH

a. Publicity

I would like to follow-up on some responses to the judge and on your questionnaire that dealt with publicity about his case.

What is the first thing you remember hearing about this case?

What did you think about (discuss those that they remember):

the murders, the three people who were killed; the way in which they were killed; Andre plucking his eye out.

Did you discuss any of this with anyone else?

What did you say? How did they respond? How did you reply to them?

What is the most significant thing about what you heard?

What first came to your mind when you saw Andre this morning?

What did you think about Andre now?

He is wearing "mittens" that were prescribed for him by a doctor. We have explained to you the purpose of these mittens. How do you feel about them?

b. Mental illness

I think it is obvious that in this trial we are going to be talking about mental illness and I want to talk to you about that.

In discussing mental illness, I want to be able to understand what you know about mental illness and how we as a society should deal with someone who has mental illness.

Ms. Jones, have you ever known anyone with mental illness? If, yes could you tell us about the person and their illness? (Much of the follow up questioning will be to ask them questions that clarify or fill in information not contained in a response).

Do you know why they were mentally ill? Did they have any choice in becoming mentally ill? How do you know that?

How did the mental illness change them? Did he/she do things that he/she would not have done if not mentally ill? Could you explain?

How did you personally feel about this person? Did you think of them differently because of their illness? Why? Could you give me some examples?

Should someone with mental illness be punished for their crimes?

Should they be punished the same way as someone who is not mentally ill? Why or why not?

Why are people with mental illness sometimes given medication?

Why would you think that a person would not take medication for a mental illness?

Why are some people not held responsible for their behavior? (e.g. like when a child shoots someone)

Why do you think young people are not allowed to do things before they reach a particular age?(drinking, smoking, driving, enlisting)

c. Insanity

I want to talk to you about insanity because we will be asking that you find Andre Thomas not guilty because he was insane at the time of the offense.

What do you think of when you hear that someone is insane?

How do you know that a person is not faking insanity just to get out of a tight spot?

What would you want to know to be able to tell if he was actually insane and not faking it?

Texas has experienced at least three cases in recent years that dealt with a parent killing a their children and I would like to find out if you have any opinions on these.

Andrea Yates who killed 5 children, claimed she was insane and was found guilty and sentenced to life (before new trial) — What did you think about that case?

Deanna Laney, the women in Tyler who stoned her children to death, plead insanity and was found not guilty — What did you think about that case?

Darla Routier who was found guilty of killing her children, found guilty and sentenced to death — What did you think about that case?

Dena Schlosser, the women in Collin County who cut her infant's arm's off. — What do you think about that case?

These are all women — why do you think that is?

Do you think that men can be insane and do something like these women have done? Why/Why not?

Could you consider Andre's plea of insanity if he is a man, not a women?

Some think that Andrea Yates was found guilty because the devil told her to kill her kids and Deanna Laney was acquitted because God told her to kill her kids. Do you think it makes difference?

Why do you think that religion was so involved in some of these cases?

Do you think that is it possible for religious beliefs to become dangerous when those beliefs are held by someone who is mentally ill?

BIBLE

Are you familiar with the Bible? If so, how did you acquire your familiarity?

Have your heard about the verse: "_____ "?

If you heard that someone plucked their eye out after reading that verse, why do you think someone would do that?

Could you imagine plucking your eye out? Why not?

What does that verse mean to you? How should a sane person react to it?

How do you think an insane person might react to it?

(REPEAT FOR EACH RELEVANT BIBLE VERSE)

Have you ever heard of "The Illuminate"? If so, what do you know about it?

When you hear the phrase the "Anti-Christ", what does that mean to you?

Is the Anti-Christ good or bad?

Do you know who Jezebel was?

What relationship, if any, did Jezebel have with the Anti-Christ?

NOTE: The following question goes into the fact of the case. If you draw an objection, remind the court that the juror's oath requires them to render a true verdict on the law and evidence and that they need to know some of the critical evidence at this time. The client's admission of his responsibility for the killing is critical to the legal issue of insanity and it is unfair this admission be limited to just saying "I did it" without counsel being able to provide the details.

During this trial, we will not be denying that Andre Thomas killed his wife, thinking that she was _____, his son who he thought was the anti-Christ and his wife's child by another man for no apparent reason. We will be telling you that he used three different knives to kill them because voices told him that he must use 3 different knives so that he would not contaminate their blood while he was killing them. You will hear that he cut out each of their hearts and placed them in his pocket and walked home. Some days after his arrest and while sitting in jail and reading his bible, he reach his fingers into his eye socket and jerked out his eye ball.

Having said that....

The law says that a person who was insane [you might want to have a slide with the statute on it] at the time of the crime should be found not guilty. How do you feel about that?

Why should their insanity make any difference (if it does at all)?

What do you think happens to someone who is found not guilty by reason of insanity (NGRI)?

How will that influence your thinking on his insanity.

I want you to assume that in a case you believe that a person is insane. What would make you want to find him guilty?

What would you want to see done for someone that you found NGRI?

If you were not sure if that would happen, what impact would that have on your deciding if he was guilty or not?

MEDICATION

Do you think medication can be used to treat insanity? Why? Why not?

How does the medication work?

Would you expect to see someone who is mentally ill to be medicated?

Andre is medicated now, he is being given _____ by the jail psychiatrist. These medications are designed to _____. While Andre did have some drugs in his system when these crimes were committed (we will talk about that in a minute) Andre was not on any medication to address mental illness.

I am concerned that you will think "Well, Andre looks OK now, he must have been OK then? Should I be concerned that you are thinking that?

I have many fears when I am trying a serious case and throughout our discussion today, I will be telling you about my fears. Have you ever had been afraid and felt that you just had to talk to someone who's opinion you respected? Well I respect your opinion and I would like to know your thoughts on some things that scare me about this case, O.K.?

You will hear the horrible facts of this crime. You will also see a number of photographs, in color, that will depict the crime scene, the bodies of the people who were killed and perhaps autopsy photographs. Do you understand that?

I am afraid that you will be so enraged or repulsed by the horrible nature of this crime and the photographs that you will not be able to render a true verdict on the law of insanity as your oath requires you to. How do you feel about that?

If you swear to the judge that you will render a true verdict based on the law and the facts, what makes you think you can do that after hearing these facts in detail and seeing these photographs.

Race

That some of you will be unable to consider if Mr. Thomas was insane because

he is black and killed a white women. How do you feel about that?

Do you feel that black people suffer from mental illness?

Is there any difference between the mental illness that black people suffer and white people?

DEATH OF A CHILD

That some of you will be unable to consider if Mr. Thomas (or "a person" if you are not allowed to be case specific) was insane because he killed not one, but two small children, one of them was his own. How do you feel about that?

DEFENSE LAWYERS

That you will think that by raising the insanity of Mr. Thomas that I am just trying to "get him off" because I am his lawyer. How do you feel about that?

That you do not like criminal defense lawyers and because of that you will not truly consider if Mr. Thomas was insane at the time of the crime. How do you feel about that?

Do you think prosecutors are more honest than defense lawyers?

Do you think prosecutors are smarter than defense lawyers?

PSYCHIATRISTS

That if the state's psychiatrist disagrees with my psychiatrist that you will accept his opinion because he was hired by the state. How do you feel about that?

Do you think state psychiatrists are smarter than a defense psychiatrist?

Do you think state psychiatrists are more honest than a defense psychiatrist?

BURDEN OF PROOF/PERSUASION

I want to talk to you about who has to prove what in this case. O.K.?

NOTE: I would suggest that you use the "stair-step" chart at this time emphasizing the different burdens, particularly the "clear and convincing" that is applicable to custody cases.

The state has to prove Andre intentionally or knowingly committed these crimes beyond a reasonable doubt, do you understand that?

We have to persuade you that it was more likely than not that Andre was insane. Do you understand that?

The law says that I have to persuade you that Andre was insane. I don't have to convince you that he was insane beyond a reasonable doubt. I only have to show you that it is more likely than not that Andre was insane. Do you understand that?

How do you feel about the state having a much higher burden than we do?

If I was afraid that you will require me to prove Mr. Thomas's insanity beyond a reasonable doubt, would you agree with me? Why? Why not?

That you will look at the horrible things that Andre Thomas did and decide that he is not deserving of a fair trial. How do you feel about that?

NOTE: I think it is helpful to refer back to the oath as this will defeat objections that the prosecution may pose. *Standefor* is often times raised as an objection. "Standefor" forms no basis for a valid objection. I would insist that the DA tell the court why Standefor is violated and what the venireman is being committed to. Questions that will lead to a challenge for cause or commit the venireman to do something that the law requires them to do are not prohibited by *Standefor*. Please see the attached memo on *Standefor*.

c. Views on Death Penalty

NOTE: You will have already read the questionnaires and obtained a indication of this juror's rating of 1-7. Your questioning will cause you to affirm your rating or adjust it according to responses. We are not allowed to rely on the responses, (*Gonzalez v. State*, 3 S.W.3d 915 (Tex.Crim.App. 1999) so don't let the judge rush you through your questioning just because it is a topic covered on the questionnaire

Ms. Jones, as you know the state wants to kill Andre Thomas. Do you understand that? (If you draw an objection to this, cite *Caldwell v. Mississippi*).

In this jury selection the state will be looking for jurors who can vote to kill Andre Thomas. Do

you also understand that?

I want to talk to you now about your views on the death penalty. However, I realize that it is a bit unusual as you have not heard any of the evidence. Would you agree that is a bit odd?

The law requires that we do ask these questions at this time and that is the sole reason that we will be discussing death penalty views prior to trial.

Before we start, I want you to understand the most important principles in making your decision as a juror. Those principles are:

(1) The law presumes life; (burden of proof is on state on F.D. Issue #1; it takes 12 for death and only 10 for life; if you stopped your deliberations at any time before you answer all questions, the verdict will be life. (this is close to advising her of inability to agree, but fairly well disguised); the only way that a death verdict can be returned is if all 12 of you agree, unanimously that he should die.

(2) The law is always satisfied with a life verdict. We know this is true because you are given a choice between life and death.

(3) you never have to sentence someone to death, you can always choose life for any reason that you choose.

JUROR BILL OF RIGHTS

You are entitled to you own opinion.

No one has the right to tell you how to vote.

Your opinion and vote are to be respected by everyone. Me, the prosecutor, the judge, your fellow jurors should you be chosen. Do you understand that?

If you feel that you are being intimidated, harassed or bullied, all you have to do is write a note to the judge and give it to the bailiff and he will give it to the judge.

I don't want you to be bullied, intimidated or harassed. Neither the judge nor the prosecutor want to see you bullied, intimidated or harassed?

If you feel that you can't agree on the answer to any issue, then all you have to do is tell the judge that you all cannot agree. Do you understand?

THE STRIPPING QUESTION -

Mr. Jones, as a way of finding out your views on the death penalty I would like to ask you to think of a hypothetical situation. It is one that I am making up, it is not made up of the facts of

this case, OK? The purpose of this hypothetical is to put you as close as possible to the point in a hypothetical trial where you would actually have to consider if a person lives or dies. Does that make sense?

(A) I want you to assume that you have been chosen as a juror in a Texas capital case. All right? I would like you to assume that you and the other jurors have unanimously agreed beyond a reasonable doubt that a person has been found guilty of capital murder. This means that you have found that the person committed the murder intentionally[or knowingly], meaning that it was the conscious objective or desire of the person to commit the murder. He knew what he was doing, he wanted to do it and he did it. The person or persons who were killed was or were completely innocent victim or victims who had done nothing to provoke the killer and did not contribute to his death in any way. Do you understand?

You and the other 11 jurors were convinced beyond a reasonable doubt that the killer when he committed the murder was not defending himself or his property, he was not defending any one else. There was absolutely no justification for this murder, OK? You and the other jurors did not believe that the killer was insane or that he was being forced to kill the victim. He did it because that is what he wanted to do. Are you with me so far?

I want you to also assume that you and the other 11 jurors found this person guilty of not just the intentional murder but also of another felony that made this a capital murder instead of a non-capital murder. OK? It was intentional murder plus another seriously felony.

Assuming that you are one of those 12 jurors, how do you feel about the death penalty as a punishment for that killer?

[NOTE: The responses to this should give you a good idea of death views, however, you are not finished stripping. If the PJ says that death would be automatic in that case, you can consider "stacking" your challenges, meaning that you solidify the view with the suggested questions, make note of the potential challenge and move on to see if you can find another one. If the PJ says that he can consider life as an appropriate punishment then follow with (B) and/or (C) below.]

Extraneous offenses when applicable

(B) Mr. Jones, I want you to assume that, as a juror in this hypothetical case, that you have heard evidence, and found beyond a reasonable doubt that, that prior to committing the murder, the killer committed the following offenses: [list each of the extraneous offenses that the court has determined in the hearing held pursuant to *Kutzner v. State*, 994 S.W. 2d 180, 188 (Tex.Crim.App. 1999) as well as prior convictions that will be offered into evidence at punishment].

I want to ask you, Mr. Jones, how do you feel about the death penalty as an appropriate punishment in that case?

[NOTE: If Mr. Jones can still consider life as an appropriate punishment, then ask:]

- (C) Mr. Jones, I want you to also assume that in this hypothetical case that you have also found beyond a reasonable doubt that there was a probability that the killer would commit criminal acts of violence that would constitute of continuing threat to both inside the prison and outside the prison if he were released. OK?

What do you think about the life penalty as being the right penalty in that case?

Do you think that life in prison for someone who commits capital murder and is a future danger is a serious punishment? Why, Why not?

In that hypothetical situation we discussed each juror found the person to be a future danger beyond a reasonable doubt. We have discussed reasonable doubt earlier. Would you require the state to prove that he is a future danger, beyond a reasonable doubt?

NOTE: It is suggested that a poster with the Issues #1 & 2 set out be used to educate the jurors.

Would you require the defense to offer any evidence that would show that he is not a future danger? If the law says that we don't have to do that, would you still require us to do so? Why? (then firm up that opinion and stack this challenge as this person is a "burden shifter").

MITIGATION

(A). Mr. Jones, in the hypothetical case, the judge would instruct you that in determining the punishment to give to the killer that you would have to consider his character, background and the circumstances of the offense in determining the life punishment or the death punishment. Would you be able to consider the background of the killer in determining what his punishment ought to be? What about his background would be important to you? Why?

Could you consider his character in determining whether or not he should live or die? What about his character would be important to you? Why? Why not?

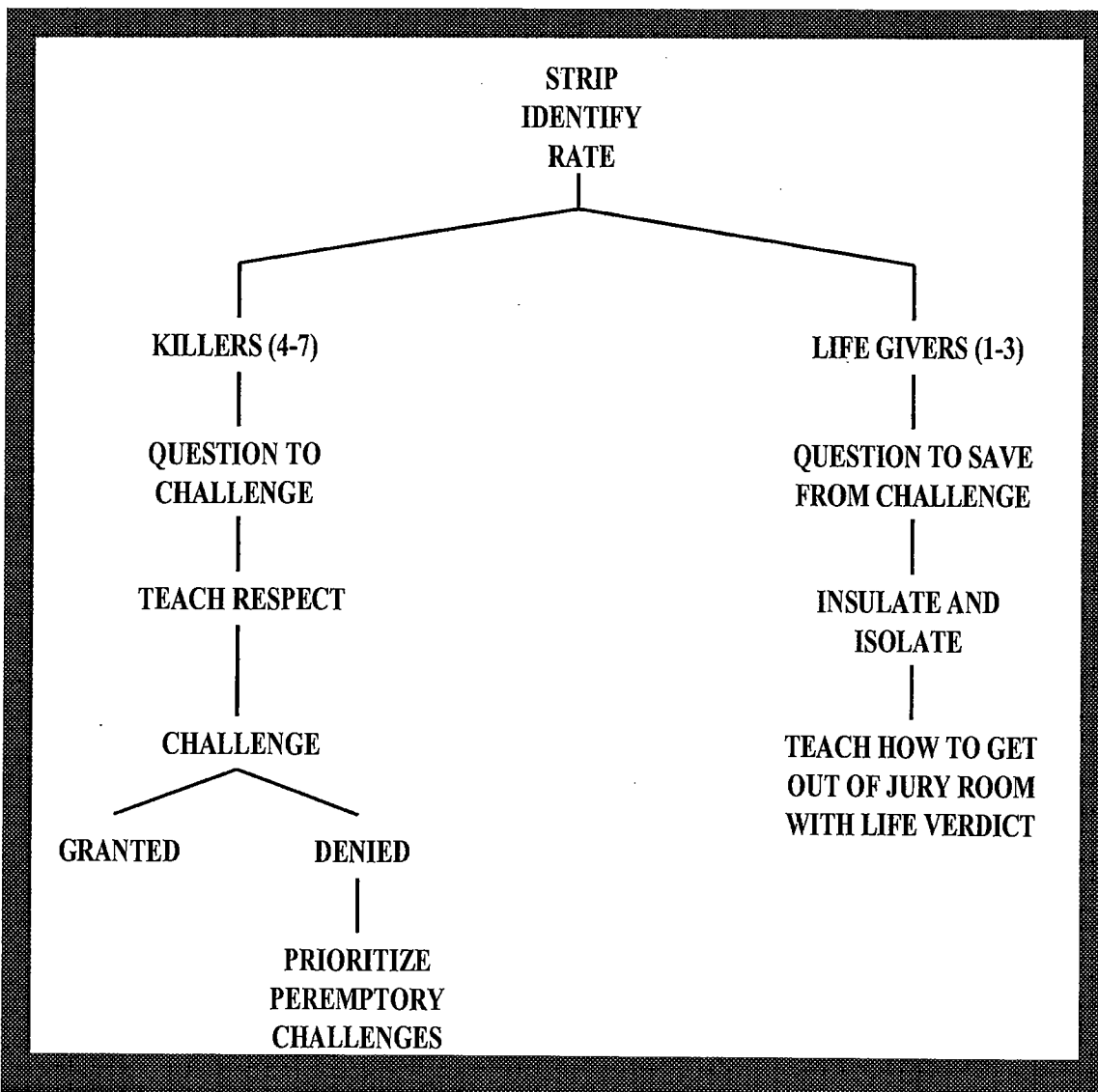
[NOTE: If the prosecution raises a *Standefer* objection, respond by saying that *Standefer* does not prohibit "committing" a juror to do what the law requires him to do. Art. 37.071 instructs the jury to consider character, background and circumstances of the offense. See

also see the attached memo for further support. If Mr. Jones is still not challengeable for cause, you can then use the authority cited in the attached memo to “shop” the individual mitigation in your case] .

(B). Mr. Jones, I would like to ask you if you were a juror in that hypothetical case, could you consider the killer’s [age, child abuse, mental illness, substance addiction or use at the time of the offense, etc.] as something that you **could** consider as something that would justify a life sentence?

[NOTE: The state will likely object to this line of questioning as the CCA in *Raby* has said that it is not an abuse of discretion for a judge to deny this line of questioning. However, *Raby* is wrongly decided and there is good Supreme Court authority to support asking these questions. These are discussed in the attached memo. *Raby* does not say the judge was correct in his ruling, only that he did not abuse his discretion.]

[NOTE: You should be able to rate Mr. Jones by now, if not much earlier. You will now go to the “hanger”. If you want to keep Mr. Jones then you will want to teach him his rights as juror, you will want to insulate and isolate him from the potential intimidation, harassment and bullying that may come from the “killer jurors”. It is important with this juror to stress at every possible opportunity that: (1) the law presumes life, (2) the law is always satisfied with a life verdict, (3) a juror is to vote his own conscience and (4) he never has to return a verdict of death.



On the other hand, if you do not want Mr. Jones (and have been unsuccessful in challenging him for cause), you will need to teach him to respect the opinions of others as discussed in the Wymore materials.

TEACHING RESPECT

Mr. Jones, do think that jury deliberations should be carried out with dignity and respect?

Do you feel that your opinions have value? Do you think that the opinions of others have value?

Do you want the other jurors to respect your opinions? Do you believe the opinions of others are entitled to respect?

Would you want anyone telling you how you should vote? Do you feel you have the right to tell anyone how they should vote?

Would you want anyone bullying or harassing you just because you did not agree with them?

Would you bully or harass anyone just because they did not agree with you?

What would you do if you saw someone being bullied or harassed in the jury room?

If you were chosen as the foreperson what would you do if you saw someone being bullied?

If you were not the foreperson, what would you want the foreperson to do if you or any other juror was bullied or harassed?

402 WEST COUNTY ROAD D
ST. PAUL, MN 55112
651-636-7466

Dr Mark Catlin, M.D.
Karla Walker, Pharm.D.

COMPUTER-GENERATED FACSIMILE LABORATORY REPORT

GRAYSON COUNTY DISTRICT ATTORNEY
ATTN: KERYE ASHMORE
GRAYSON JUSTICE CENTER
200 S CROCKETT ST, SUITE 116A
SHERMAN, TX 75090

PATIENT NAME
THOMAS, ANDRE L

Social Security

PATIENT I.D. NO.
T00000000

AGE SEX SPECIMEN
D9468995

DOB: DATE DATE DATE
COLLECTED COLLECTED RECEIVED REPORTED
1:11PM
NOT GIVEN NO TIME 01/26/2005 02/05/2005

/ANDRETHOMAS

TEST(S) REQUESTED	RESULTS	UNITS	THERAPEUTIC RANGE
DEXTROMETHORPHAN (DM)	<2.0	ng/ml	2.0 - 6.0
ELEVATED REPORTING LIMIT DUE TO NATURE OF SPECIMEN.			

*** FINAL REPORT ***

18928

AT018949

Exhibit 84

**Email from Bobbie Peterson
to Shelli Shade regarding
pharmacologist**

From: Shelli Schade [shellischade@mindspring.com]

Sent: Monday, February 21, 2005 8:07 PM

To: Bobbie Peterson

Subject: Re: pharmacologist

Talked with Cris and he said that a pharmacologist is not what we need; they could only talk about therapeutic levels, etc. He said the best person to use for disputing the DXM theory would be either a forensic toxicologist or guess what..... a psychiatrist! He said that a psychiatrist can testify about the effects the drugs have on the person and I say Dr. Gripon was made for that job.

If you want a toxicologist I can get a number but he's not local, Louisiana

Shelli

----- Original Message -----

From: Bobbie Peterson

To: 'Shelli Schade'

Sent: Monday, February 21, 2005 7:08 PM

Subject: pharmacologist

Hey girl: we need the name & number of a pharmacologist, local preferred, who can testify about this DXM. We got blindsided today... Kerrye called Dr. Scarano!! We asked for & got a Daubert hearing & then RJ did limited cross & reserved rest of it for later. Ended up kinda good b/c we now get a transcript of his testimony for Gripon. He testified that quantity didn't matter of anything, it was the behavior!

State will be finished tomorrow. I gave Kate Allen your email and cell phone number.

Love ya! Bye!

Bobbie J. Peterson

Ps. Eddie bought you a present.... CR in the freezer

The Law Offices of Bobbie J. Peterson

120 S. Crockett

Sherman, Texas 75090

903-870-1007

903-870-1446 FAX

Exhibit 85

**Email from Shelli Shade to
Bobbie Peterson regarding
psychiatrist**

From: shellischade@sbcglobal.net
Sent: Wednesday, February 23, 2005 8:51 PM
To: Leah; Bobbie Peterson
Subject: Psychiatrist
Hey girls,

I'm working away making great progress. I spoke with Cris and he said that a good psychiatrist to call for the DXM crap may be:

Howard Cohen, M.D.
He specializes in pharmacology and Pain Medicine
Cris "highly recommends him"
(214) 526-0742

I have sent RJ a message (actually two messages) that I really can't meet with him tomorrow. We can't afford to mess up the exhibits with Mitigation. With all the distractions, I couldn't complete and I need to get this crap to the printer. I am **trying to save as much money as possible**. I've told him we can either meet Friday or tomorrow by phone. Hell if I need to I can type out the questions I think would be most helpful...

Cris leaves town Friday thru Sunday so if need be, I can come up Friday and just stay or I can go home and come back Sunday. I will be home tomorrow completing my stuff so if you need to reach me, I'm here.

Shelli

email of timeline to follow

Forensic Social Work Consultants
Shelli S. Schade, CSMS, LMSW, DAPA
Certified Sentence Mitigation Specialist
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(214) 354-8145 cellular
(972) 692-6826 fax
shellischade@mindspring.com

Exhibit 86

**Judgment of Conviction by
Jury; Sentence by Court to
Death**

THE STATE OF TEXAS § IN THE 15TH JUDICIAL
 v. § DISTRICT COURT OF
 ANDRE THOMAS § GRAYSON COUNTY, TEXAS
 SID: TX 05855165

JUDGMENT OF CONVICTION BY JURY;
SENTENCE BY COURT TO DEATH,

DATE OF JUDGMENT: March 7, 2005
JUDGE PRESIDING: James R. Fry, sitting by assignment in the 15th
 District Court of Grayson County, Texas
ATTORNEY FOR THE STATE: Joseph D. Brown and Kerye Ashmore
ATTORNEY FOR THE DEFENDANT: R.J. Hagood and Bobbie Peterson
OFFENSE: Capital Murder
STATUTE FOR OFFENSE: Section 19.03, Penal Code.
DEGREE OF OFFENSE: FX
APPLICABLE PUNISHMENT RANGE: Life in prison or death.
DATE OF OFFENSE: 03/27/04
CHARGING INSTRUMENT: Indictment
PLEA TO OFFENSE: Not guilty by reason of insanity
PLEA TO ENHANCEMENT: N/A
PARAGRAPH(S):
VERDICT FOR OFFENSE: Guilty
FINDING ON ENHANCEMENT: N/A
AFFIRMATIVE FINDING ON
DEADLY WEAPON:
OTHER AFFIRMATIVE
SPECIAL FINDINGS:
DATE SENTENCE IMPOSED: March 11, 2005
PUNISHMENT AND PLACE OF Texas Department of Criminal Justice, Institutional
CONFINEMENT: Division; Death
TIME CREDITED TO SENTENCE: 301 days
COURT COSTS: \$ 220.00
TOTAL AMOUNT OF RESTITUTION: \$
NAME AND ADDRESS FOR
RESTITUTION:

On the date stated above, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by the attorney stated above; and the Defendant and the Defendant's attorney, as stated above, were also present. Thereupon both sides announced ready for trial, and the Defendant pleaded **not guilty by reason of insanity** and a jury, to wit: [REDACTED] and eleven others, was duly selected, impaneled and sworn. Having heard the evidence submitted and

DS3: Judgment of Conviction by Court; Sentence By Court; Page 1 of 1 Pages

001696

TR004707

being brought into open court by the proper officer, the Defendant, the Defendant's attorney, and the State's attorney being present, and being asked if the jury had agreed upon a verdict, the jury answered it had and returned to the Court a verdict, which was read aloud, received by the Court, and is now entered upon the Minutes of the Court as follows:

"We, the jury, find the defendant, ANDRE LEE THOMAS, guilty of Capital Murder as charged in the indictment."

/s/ [REDACTED]
Presiding Juror

The defendant having been found guilty by verdict of the Jury and heretofore the jury having the duty to determine the answers to special issues and after hearing further evidence on the issue of punishment, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their answers to special issues, and afterward was brought into open Court by the proper officer, the defendant and his counsel being present, and in due form of law returned into open Court the following verdict in answer to the special issues, which was received by the Court and is here and now entered upon the minutes of the Court, to-wit:

ISSUE NO. 1:

IS THERE A PROBABILITY THAT THE DEFENDANT, ANDRE LEE THOMAS, WOULD COMMIT CRIMINAL ACTS OF VIOLENCE THAT WOULD CONSTITUTE A CONTINUING THREAT TO SOCIETY?

ANSWER: WE, THE JURY, UNANIMOUSLY FIND AND DETERMINE BEYOND A REASONABLE DOUBT THAT THE ANSWER TO THIS SPECIAL ISSUE IS "YES."

/s/ [REDACTED]
Presiding Juror

ISSUE NO. 2:

TAKING INTO CONSIDERATION ALL OF THE EVIDENCE, INCLUDING THE CIRCUMSTANCES OF THE OFFENSE, THE DEFENDANT'S CHARACTER AND BACKGROUND, AND THE PERSONAL MORAL CULPABILITY OF THE DEFENDANT, DO YOU FIND THAT THERE IS A SUFFICIENT MITIGATING CIRCUMSTANCE OR CIRCUMSTANCES TO WARRANT THAT A SENTENCE OF LIFE IMPRISONMENT RATHER THAN A DEATH SENTENCE IS IMPOSED?

DS3: Judgment of Conviction by Court; Sentence By Court; Page 2 of 2 Pages

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TR004708

TO THIS SPECIAL ISSUE IS "NO."

/s/ [REDACTED]
Presiding Juror

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court that the defendant, Andre Lee Thomas, is guilty of the offense of capital murder as found by the jury, and the jury having answered Special Issue No. 1 "Yes", and Special Issue No. 2 "No", the defendant Andre Lee Thomas, is sentenced to death as required by Section 12.04 of the Penal Code of the State of Texas and the law providing that on such jury finding the Court shall assess the death penalty to the defendant.

Thereupon the Defendant, Andre Lee Thomas, was asked by the Court whether he had anything to say why sentence should not be pronounced against him and he answered nothing in bar thereof, whereupon the Court proceeded, in the presence of said Defendant, to pronounce sentence against him as follows:

Whereas, the Defendant has been adjudged to be guilty of capital murder and is sentenced to death as required by Section 12.04 of the Penal Code of the State of Texas and the law providing that on such jury finding the Court shall sentence the Defendant to death.

It is therefore, the order of the Court that the Defendant is sentenced to death; but the law further providing for an automatic appeal to the Court of Criminal Appeals of the State of Texas, the sentence is suspended until the decision of the Court of Criminal Appeals has been received by the Court.

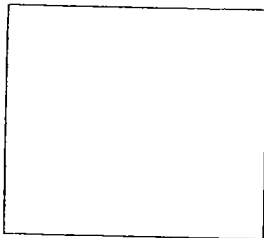
The Defendant is now remanded to the custody of the Sheriff of Grayson County, Texas, to be transported to the Texas Department of Criminal Justice, Institutional Division.

Signed on the 14th day of MARCH, 2005.

James R. Fry
Judge James R. Fry sitting
By assignment in the 15th District Court

NOTICE OF APPEAL: _____

Defendant's right thumbprint



FILED FOR RECORD
BY _____

05 MAR 14 PM 1:13

DS3: Judgment of Conviction by Court; Sentence By Court
CYNDI H. SPENCER
DISTRICT CLERK
GRAYSON COUNTY
Page 3 of 3

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TR004709

Exhibit 87

**Letter to the editor of the
Journal of American
Academic Child Adolescent
Psychiatry by Shannon C.
Miller re Coricidin HBP
Cough and Cold Addiction**

LETTERS TO THE EDITOR

CORICIDIN® HBP COUGH AND COLD ADDICTION

To the Editor:

Dextromethorphan (DM), a synthetic opioid, is the dextro-isomer of the codeine analogue levorphanol. It was patented in the United States in 1954 by Hoffmann-La Roche as an antitussive pharmaceutical made from a morphine-like base. At recommended doses, it is a fairly safe and effective cough suppressant, inhibiting medullary cough centers to approximately the same extent as opiate alkaloids such as codeine, but without other opioid effects such as analgesia, CNS depression, and respiratory suppression. Thus, it has been available over the counter (OTC) for many years. However, at higher doses, more than 4 oz, it has been known to be abused for its dissociative effects (Bobo et al., 2002). Maximum/Extra Strength Cough Suppressant contains 15 mg DM hydrobromide per teaspoon (5 mL); thus, an 8-oz bottle will supply as much as 720 mg DM. Adolescents are known, but rarely reported, to abuse DM (Murray and Brewerton, 1993). Typically, DM is abused in the context of a polysubstance abuse history.

Adolescent DM abusers gravitate to this drug of abuse because they think that it is a "smart" choice: stigma, unlike with "street" drugs (heroin, cocaine), there is no negative connotation when purchasing DM; money, available OTC, it is cheap, especially in off-brand forms (more than 140 OTC preparations are available); access, OTC, found in the home medicine cabinet; risks, DM is available from respected medical companies with strict quality control, so abusers perceive minimal risk; testing, routine drug tests (and those for employment purposes or from parents via in-home testing kits) do not test for DM.

There are only six published reports of DM use suggesting *DSM* criteria for substance abuse and only three suggesting *DSM* criteria for substance dependence (Bobo and Miller, in press).

The patient is a 16-year-old male who uses DM exclusively, without other polysubstance use, in a pattern suggesting substance dependence. He went to his mother for help. She reported that he started by drinking cough medicine from the family's supply. The patient described how his use progressed to more than one bottle per intoxication. Later, he learned from peers about Coricidin® HBP Cough and Cold: DM in a concentrated, pill version. While he found DM attractive for the reasons outlined

above, Coricidin was specifically desirable because (1) its pill formulation allowed him to avoid the unpleasant tasting liquid, (2) the pills could be secreted/carried with him for ease of repeated dosing while at school, and (3) the pills contained double the amount of DM per dose (30 mg) than he was obtaining via syrup (15 mg), allowing him to override his significant, chronic physical tolerance. He used the term *sheeting* to indicate abusing one full "sheet" of 16 pills in a single episode of intoxication. Six of seven *DSM* criteria for substance dependence were met, with the possible addition of withdrawal (dysphoria, insomnia, restlessness).

Both he and his mother denied that he was using or trying any other drugs of abuse, including alcohol and nicotine. He and his mother also denied that he had any history of gambling. His urine drug screens (standard panel) were negative, a test for DM (specifically arranged for with the laboratory) was positive.

Rodent and primate animal models support DM as having qualities of substance abuse and dependence. When taken in large quantities, DM is converted to dextropropan (DOR), a substance with pharmacodynamic and psychoactive properties consistent with those of other *N*-methyl-D-aspartate receptor antagonists, such as phencyclidine (PCP) and ketamine. Thus, DM (and DOR) are best classified as dissociatives. The biochemical reinforcement and discriminatory stimulus effects of DOR are similar to those of PCP; DOR is a dose-dependent substitution for PCP (Nicholson et al., 1999). DM is mainly self-administered (Johanson and Balster, 1978). However, very few human data are available. This case supports that a substance dependence syndrome is possible with DM, is one of very few "dependence" case reports, highlights the abuse of Coricidin, introduces the term *sheeting* to the drug lexicon, and offers an original, helpful mnemonic for understanding adolescent abuse of DM.

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INCREASED BLOOD PRESSURE AND ATOMOXETINE

To the Editor:

In the course of my work as a psychiatrist at an outpatient, community-based clinic, I have found that some patients do experience clinically significant increases in blood pressure (BP) when taking atomoxetine (Strattera). I report on three adolescent boys who all developed unacceptable increases in BP on atomoxetine.

The first patient was then a 14-year-old boy diagnosed with attention-deficit/hyperactivity disorder (ADHD), dysthymia, and insomnia. He was obese at a weight of 250 lb and height of 5 ft 6 in. He had been taking Concerta 54 mg/day and fluoxetine 20 mg/day when we replaced the Concerta with atomoxetine. His BP readings stayed in the normal range up to a dose of 60 mg/day atomoxetine. Because of residual symptoms of inattention, we increased the atomoxetine to 80 mg/day. He improved clinically, but his BP rose, measuring at 140/86, 128/90, and 126/90. His electrocardiogram was normal, with a rate of 92 and a QTc of .388. We decreased the atomoxetine to 40 mg/day and added back in Concerta 18 mg/day, continuing the fluoxetine. His BP readings then decreased to 100/78 and 100/70. He remained stable clinically, and, unexpectedly, his mood improved as well.

The second patient was diagnosed with ADHD, oppositional defiant disorder (ODD), low average IQ, depressive disorder not otherwise specified, and a history of lead poisoning. During trials of methylphenidate, dextroamphetamine mixed salts, bupropion, and buspirone, his BP readings were stable and within the normal range. At the age of 14 years and a weight of 114 lb, we started him on atomoxetine 60 mg/day as monotherapy. His BP readings rose into an elevated range of 130/80 on average. When the atomoxetine was increased to 80 mg, his BP readings rose to the range of 142/90 over the course of several readings. We lowered the atomoxetine to 60 mg and added back in Adderall XR 15 mg. His BP readings then normalized at 112/60 and 122/70. Although

he had started smoking before the atomoxetine trial, we were able to rule this out as an explanation for the change in BP readings.

The third patient was diagnosed with ADHD, ODD, an expressive language disorder, and depressive disorder not otherwise specified. When on trials of desipramine, nortriptyline, methylphenidate, clonidine, bupropion and buspirone, his BP readings were always within the normal range. When he was 12 years old, we began a trial of atomoxetine, which led to clinical improvements. However, when the atomoxetine was increased to 80 mg/day, along with bupropion sustained release 100 mg/day, clonidine 0.2 at bedtime, and buspirone 60 mg/day, his BP readings rose to 150/80 and then 140/90. We eliminated the possibility that his consumption of caffeinated soft drinks was a contributing factor. In case the bupropion was a contributing factor, we switched to sertraline and then Wellbutrin XL, but both were unsuccessful clinically. We were able to keep using the atomoxetine by dividing the dose to 40 mg b.i.d. This brought his BP into the 122/74 range, with only slight loss of efficacy.

Besides these three patients, I have had several others whose BP readings have risen into the upper end of the normal range, and I am monitoring them closely. I have never exceeded the maximum doses for atomoxetine for any patient, either 1.4 mg/kg, or 100 mg/day, whichever is lower. When measuring BP, I have been careful to use the appropriate size cuff. Most clinicians no longer check BP regularly, given the infrequency of BP problems with stimulants, so I hope this information is useful to other prescribers.

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STIMULANT-ATYPICAL ANTIPSYCHOTIC INTERACTION AND ACUTE DYSTONIA

To the Editor:

The use of atypical antipsychotics concurrently with stimulants in children and adolescents is becoming more frequent as diagnostic comorbidity is better understood. Stimulants and antipsychotics have been used together in conditions that are frequently reported as comorbid with attention-deficit/hyperactivity disorder (ADHD): bipolar, conduct, and Tourette's disorders. We have treated many

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children with the diagnoses of ADHD with Tourette's disorder and/or bipolar disorder and have noted the induction of dystonic reactions on stimulant discontinuation in patients receiving concomitant stimulant and antipsychotic treatment who had no history of extrapyramidal symptoms (EPS). Three representative cases are presented.

L.T., a 9-year-old boy with history of ADHD, bipolar disorder, and mental retardation was admitted to the Inpatient Child Psychiatry Program because he was stabbing and assaulting others in his adoptive home. Medication regimen consisted of methylphenidate 15 mg t.i.d., risperidone 1.5 mg t.i.d., clonidine 0.1 mg at bedtime, and valproic acid 250 mg t.i.d. Due to psychotic symptoms, methylphenidate was discontinued and a dystonic reaction consisting of arched back and neck with generalized body stiffness developed that resolved immediately after administration of benztropine 1 mg intramuscularly.

B.B., a 9-year-old white male with history of ADHD and Tourette's disorder was stabilized in the outpatient clinic on dextroamphetamine/racemic amphetamine 10 mg t.i.d., risperidone 1 mg b.i.d., clonidine 0.1 mg at bedtime, and valproic acid 125 mg in the morning and 250 mg at bedtime. A trial of dextroamphetamine/racemic amphetamine to quiet tics resulted in EPS consisting of thick tongue, difficulty speaking, and bilateral upper and lower extremity stiffness that completely resolved within 24 hours after oral administration of 1 mg benztropine.

K.M., a 13-year-old boy with history of ADHD, obsessive-compulsive disorder, and Tourette's disorder was admitted to the Inpatient Child Psychiatry Program after trying to choke himself to death. Medication adjustments during hospitalization included titration of fluvoxamine to 150 mg b.i.d., increase of methylphenidate from 36 to 54 mg/day for further positive effect, continuation of guanfacine 1 mg b.i.d., and initiation of risperidone 0.5 mg t.i.d. to control tics and aggression. One week after hospitalization, his mother did not give methylphenidate for 1 day and EPS consisting of a stiff, twisted neck and shoulder resolved within 24 hours after re-administration of methylphenidate.

In the three cases reported here, the patients had been receiving concomitant therapy with risperidone and a stimulant medication. The close temporal relationship between stimulant discontinuation and the onset of the movement disturbance in all three cases with all other variables remaining constant indicates that stimulant removal was the most likely cause of the acute movement disorder. In addition to our observations, there have been previous reports in the literature regarding the use of stimulants for acute neuroleptic-induced dystonia (Casey, 1992; Lang, 1985).

The psychostimulant properties of methylphenidate may result from its binding to a site on the dopamine transporter, resulting in inhibition of dopamine reuptake and enhanced

levels of synaptic dopamine (Ding et al., 1994). Risperidone is a selective monoaminergic antagonist with high affinity for serotonin type 2, dopamine type 2 (D_2), α_1 - and α_2 -adrenergic, and H1 histaminergic receptors. One can propose that methylphenidate indirectly increases synaptic levels of dopamine within the striatum and, once withdrawn, would result in a net decrease in available dopamine, resulting in increased antipsychotic activity and therefore increased risk of EPS. In addition, amphetamine may reduce the binding of risperidone to D_2 receptors within the striatum as evidenced by its ability to reduce the binding of the D_2 antagonist 3H -raclopride (Laurelle et al., 1995). Theoretically, stimulants may therefore competitively inhibit atypical agents such as risperidone, leading to increased risperidone binding once the stimulant is withdrawn, resulting in EPS. This is in contrast to literature presented previously in regard to withdrawal dyskinesia, in which the acute movement disorder persisted until the stimulant was discontinued and was thought to be due to a dopamine supersensitivity mechanism (Conner et al., 1995).

To our knowledge, these are the first reported cases of neuroleptic-induced dystonia after stimulant discontinuation in patients receiving concomitant stimulant and antipsychotic therapy. One of the authors (E.B.) has seen a dystonic reaction occur in a patient on 20 mg olanzapine when a co-administered dextroamphetamine/racemic amphetamine dose was discontinued. Therefore, we do not believe that this is a specific risperidone-stimulant interaction. In our clinic, we are informing parents of our observations of dystonia occurring if they forget to give a stimulant that is being given simultaneously with a D_2 blocker. Further similar findings by other clinicians are necessary to validate our observations.

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INTERVENTION IN ADOLESCENT PSYCHOSIS RISK

To the Editor:

Growing interest in the prodromal and even premorbid phases of psychosis is now increasingly placing child and adolescent psychiatrists in the role of essential communicators in the process of early intervention (Cannon, 2004). This is leading to increased collaboration and is entirely to be celebrated.

The question that must inevitably be asked concerns the nature of this collaboration. Is the purpose of this collaboration to give adult psychiatrists easier, earlier, and more specific access to patients at high risk of developing a psychosis, or is it a question of laying the foundations for a partnership in which the specific characteristics of the developmental phases of childhood and adolescence are taken into account in predicting the psychotic risk?

A division between child and adolescent psychiatry and adult psychiatry is counterproductive, but abolition of the division between the ages should not be replaced by a nosological division. Child and adolescent psychiatrists have much to gain from improved collaboration as long as it takes into account the progress made in their respective fields. This means that the logic of specialization and of nosological specificity (categories of mental illness, e.g., anxiety disorders, mood disorders, psychoses), which have permitted major progress to be made in adult psychiatry, should not necessarily prevail over the logic of specialization and the specificity of the developmental phases of child and adolescent psychiatry (e.g., perinatal period, infancy, adolescence). Adolescence is a high-risk period (Walker and Bollini, 2002) and not only in relation to schizophrenia. This is a risk period with regard to mood and anxiety disorders, substance use, etc. Even where a specific risk can be identified (e.g., first-degree relative with schizophrenia), and although it may be considerable in terms of relative risk, is it sufficiently great in terms of absolute risk to justify a specific intervention aimed at preventing schizophrenia only? Or should it be the subject of an overall intervention aimed at reducing the general risks pertaining to the adolescent period (including psychotic risk)?

The ambiguity of the term *prodromal state* (Lencz et al., 2003), which intrinsically implies a prediction (the psychosis

is announced), would be better replaced by the term *at-risk mental state*, which assumes a more open prognosis. This latter term moves away from the risk of psychosis and returns us to the more general psychopathological risk intrinsic to the adolescent period. The general nature of this risk can best be taken into account in departments for adolescents by working on the specific aspects of this period of life in terms of individualization, development of autonomy, identification, acquisition of life experience, and socialization; without rejecting the specific symptomatic characteristics of the psychosis.

Collaboration is essential and must be strengthened between adult psychiatrists and those treating children and adolescents, but not necessarily in a purely "nosological" sense. It is most certainly in the field of nosographic logic that specific, genetic, neurophysiological, or neuroanatomical markers allow progress to be made in prediction, but it is very definitely in the field of developmental logic, taking into account the specific phases of development, that progress can be achieved in the identification of protective factors. It is only by maintaining their complementarity that these two approaches can be combined and, let us hope, bear fruit.

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See the Instructions for Authors for information about the preparation and submission of Letters to the Editor.

Exhibit 88

**Article by Shannon C. Miller
titled, “Dextromethorphan
psychosis, dependence and
physical withdrawal”**

CASE REPORT

Dextromethorphan psychosis, dependence and physical withdrawal

SHANNON C. MILLER

*Addiction Services, Veterans Administration Medical Center and Associate Professor, Department of Psychiatry, Wright State University School of Medicine, Dayton, OH, USA***Abstract**

As part of a synthesis of evidence regarding the abuse and addiction liability of dextromethorphan (DM), an over-the-counter cough medicine available in over 140 preparations, an uncommonly published case of dextromethorphan dependence (addiction) is described, with specific, rarely published complications. The individual was interviewed and several medical databases were also reviewed (Medline, 1966–present; PubMed) for all content relating to the Keywords: dextromethorphan, abuse, dependence, cough medicine, addiction, withdrawal, psychosis. The patient evidenced history suggesting substance dependence, substance-induced psychosis and substance withdrawal in relation to DM. A literature review revealed that DM has specific serotonergic and sigma-1 opioidergic properties. Dextrophan (DOR), the active metabolite of DM, has similar properties; however, DOR is a weaker sigma opioid receptor agonist, and a stronger NMDA receptor antagonist. DM and DOR display specific biological features of addiction, and are capable of inducing specific psychiatric sequelae. A specific, reproducible toxidrome with significant psychiatric effects occurred, when DM was abused at greater than indicated doses, with more profound and potentially life-threatening effects at even higher doses. DM withdrawal appears evident. DM's active metabolite, DOR, has pharmacodynamic properties and intoxication effects similar to dissociatives, and may be more responsible for the dissociative effect that this DM abuser sought. However, it is this same metabolite that may be fraught with the potentially life-threatening psychoses and dissociative-induced accidents, as well as addiction. While DM has been hypothesized as the most commonly abused dissociative, health-care providers seem largely unaware of its toxidrome and addiction liability.

Introduction

Dextromethorphan (DM), a synthetic opioid, is the dextro-isomer of the codeine analog, levorphanol. It is a fairly safe and effective cough suppressant when taken at indicated doses. Thus, it has been available over the counter for many years. However, at doses over 4 ounces (greater than indicated), it can be abused for its dissociative effects. Most cough syrups contain 10–15 mg dextromethorphan per teaspoon (5 ml); thus an 8-ounce bottle will supply roughly 480–720 mg DM.

Epidemiological studies regarding DM abuse and dependence are glaringly lacking. Abuse by adults has only very rarely been published in the medical literature (Bobo et al., 2002). There are only six published reports of DM use, suggesting *Diagnostic and Statistical Manual* (DSM-IV-TR) of Mental Disorders Criteria (*Diagnostic and Statistical Manual of Mental Disorders*, 4th edition—textbook revision, 2000) for

substance abuse and only three suggesting DSM criteria for substance dependence. The case of DM dependence, below, contributes to the small literature base on DM; specifically, it provides a rare case report of DM psychoses, as well as a previously unpublished syndrome of DM withdrawal. Pharmacological mechanisms are elucidated briefly.

Case

The individual is a 38-year-old married, employed Caucasian female manager, who describes her first use of DM at the age of 33 while at work. Under an administrative deadline and fighting a 'cold', she drank over-the-counter cough syrup (Tussin DM®). Because this provided an 'energy boost', she consumed about 3 ounces (on two separate occasions), finding it made her more sociable. Within 6 months of first

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use, she progressed to daily use and then several times per day—needing to use more, more often, in order to achieve the same desired effect. At her peak regular use, she was consuming 8 ounces of liquid cough syrup three times per day (24 ounces per day). Her highest single day use was five times per day (roughly 40 ounces of cough syrup, 2400–3600 mg DM).

The intoxication effects would last roughly 3–4 hours. Intoxication episodes included paranoia and delusional beliefs that she could communicate with aliens. A separate episode of intoxication resulted in being fully convinced that her intestines had become loose, resulting in profound anxiety. She has experienced visual hallucinations of flowers on several occasions while intoxicated, but with intact reality testing. She also experienced tactile hallucinations of ‘fibre’ rolling around under her skin, which she interpreted as ‘evil’ and needing to be removed. Fortunately she took no action.

Notable was that, with increasing experience, she attempted to titrate/minimize her dosing so as to minimize these undesired psychotic effects. Nevertheless, she would almost always take larger amounts than initially intended due to her tolerance and desire to achieve the pleasurable effects of intoxication: euphoria, occasional profound empathy and social relaxation. Her longest period of abstinence was 7 weeks.

The desirability of various forms of abused DM are listed in decreasing order of preference by her: Robitussin syrup with guaifenesin—finding it provided a more pleasant intoxication experience (reducing the frequency of psychoses), Robitussin Gel Tabs®, regular DM syrup and DM powder (purchased from the internet, which she found too powerful, causing intense psychoses). She never tried Coricidin®. She did experiment with adding 600 mg per day of caffeine (‘No Doze’®) to her DM with the hope of heightening the high—but to no effect.

Regarding DSM criteria for substance abuse, she endorsed (1) legal problems in relation to her abuse of DM, (2) continuing to use DM despite negative consequences (insomnia, constipation, weight gain, acne, frightening psychoses, losing her wedding ring during an intoxication episode, feeling as if she was going to die post-DM powder ingestion leading to a charcoal lavage in the emergency room), (3) failing to fulfill major role obligations due to the abuse of DM (was unemployed for 2 years, emotionally unavailable as wife) and (4) use of DM in physically hazardous situations (often while driving a car, on one occasion while swimming).

She endorsed all DSM criteria for substance dependence, including profound tolerance (perhaps the largest-ever published in the medical literature devoid of concurrent use of nicotine, alcohol or other drugs of abuse). Importantly, she describes a profound withdrawal syndrome from regular, high-dose DM abuse, which was subjectively worse during the first 3 days of detoxification: severe intermittent vomiting for 3 days (relieved with Phenergan®), intermittent night sweats for 3 weeks, muscle aches, diarrhea for 5 days, restlessness, early insomnia, feeling cold and anxiety. There was no rhinorrhoea, lacrimation, joint aches, tremors, gooseflesh, yawning or psychomotor agitation.

There was no personal or family psychiatric history of psychoses. History and drug testing did not support concurrent other substance use, including nicotine or alcohol.

All serum and urine studies were normal. Reliably, intoxication symptoms resolved spontaneously within hours of abstinence and recurred only when DM was abused.

Discussion

Rodent and primate animal models support DM as having qualities of substance abuse and dependence. When taken in large quantities (usually over 4 ounces of cough syrup), DM is converted to dextrophan (DOR). DM and DOR are best classified as dissociatives, each having pharmacodynamic and psychoactive properties consistent with those of other NMDA receptor antagonists such as phencyclidine (PCP) and ketamine. Biochemical reinforcement and discriminatory stimulus effects for DOR are similar to those for PCP; DOR displays dose-dependent substitution for PCP (Nicholson et al., 1999). DM is strongly self-administered (Johanson & Balster, 1978). Very little human data are available; hence, the importance of this case.

Intoxication effects are known to be varied, but are generally consistent with NMDA receptor antagonism (Franklin & Murray, 1992), sigma opioidergic agonism, (Yamamoto et al., 1995; Gonzalez & Werling, 1997; Whittemore et al., 1997) and serotonin enhancement (Meoni et al., 1997): euphoria, a sense of well-being, slurred speech, ataxia, dissociation, nystagmus, psychoses, etc. Psychosis (Dodds & Revi, 1967; Craig, 1992; Murray & Brewerton, 1993) has been reported only rarely and may require doses greater than 600 mg DM (Schadel & Sellers, 1992).

This case is useful in pioneering an epidemiological inventory of how this drug is abused. It supports a syndrome of intoxication consistent with DM’s known pharmacodynamics. It is one of very few case reports meeting DSM-IV-TR criteria for substance dependence, and is of significant added value as this occurred devoid of concurrent polysubstance abuse (including nicotine and alcohol), particularly in an adult. It highlights the risk of psychoses as psychiatric complications of DM intoxication—providing a rare case report. It provides the first known case report of abuse or dependence on Robitussin Gel Tabs®, a new form of cough medicine introduced recently to the market. Lastly, and perhaps most importantly, this case provides a description of a DM physical withdrawal syndrome not known to have been published previously in the medical literature.

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